

AGENDA ITEM



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approve plans and specifications, authorize advertisement for bids for installation of streetlights on Phase IV of the Streetlight Completion Project, and authorize the transfer of funds for the project (\$980,000) (EUD)

MEETING DATE: May 11, 2004

SUBMITTED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council approve the plans and specifications and authorize advertisement for bids for installation of streetlights on Phase IV of the Streetlight Completion Project and authorize the transfer of funds for the project.

BACKGROUND INFORMATION: This item is being brought back to the City Council pursuant to direction given to staff at the May 5, 2004, City Council meeting. Attached for Council's information is supporting documentation regarding previously-funded streetlight projects.

One of the City's goals is to provide streetlighting in unlit portions of the City. This project, known as the Streetlight Completion Project, is estimated to install 1000 – 1200 lights over a period of 3 – 5 years at a cost of \$ 3.5 – 4 million in several phases. Phase IV will install a total of 292 streetlights in various areas throughout the City. A contractor through the bid process, this item, will install 267 of these lights (109 steel standards and 158 City furnished concrete standards). City forces will install 25 streetlights on existing wood utility poles. This recommendation will also provide funding for construction contract management as well as other construction work by City forces. In addition the recommended transfer will provide funding for ongoing design of Phase V and expenditures incurred to date in excess of previous funding.

The estimated cost of the construction contract is \$802,000.

The recommended amount of transfer from the Electric System Revenue Certificates of Participation is \$980,000

Bid opening has been scheduled for May 18, 2004.

FUNDING: Electric System Revenue Certificates of Participation

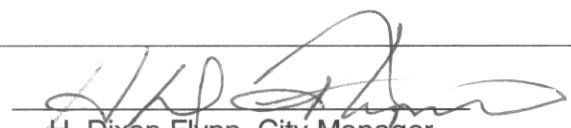
Funding Approval:


Ruby Paiste, Acting Finance Director


Alan N. Vallow
Electric Utility Director

Prepared by: Al Smatsky, Sr. Electrical Estimator

APPROVED:


H. Dixon Flynn, City Manager

CITY OF LODI
SPECIAL ALLOCATION REQUEST

TO: ACCOUNTING MANAGER
FINANCE DIRECTOR

DATE: May 6, 2004

FROM: ELECTRIC UTILITY DEPARTMENT

PROJECT NUMBER: 161672.1825.1700

TITLE: Fund Streetlight Completion Project, Phase IV

| Description of Project | Estimated Costs |
|---|-----------------|
| One of the City's goals is to provide streetlighting in unlit portions of the City. This project, known as the Streetlight Completion Project, is estimated to install 1,000 – 1,200 lights over a period of 3 – 5 years at a cost of \$ 3.5 – 4 million. | \$980,000 |

This Special Allocation will provide funding for the installation of a total of 292 streetlights, Phase IV of the project, in various areas throughout the City. A contractor, through the bid process, will install 267 of these lights (109 steel standards and 158 City furnished concrete standards). City forces will install 25 streetlights on existing wood utility poles. This Special Allocation will also provide funding for construction contract management as well as other construction work by City forces. In addition the recommended transfer will provide funding for ongoing design of Phase V and expenditures incurred to date in excess of previous funding.

It is recommended that the transfer of \$980,000 be from the Electric System Revenue Certificates of Participation.

City Council action May 5, 2004. Resolution # _____

Alan N. Vallow, Electric Utility Director

(If you need more space, use additional sheet and attach to this form)

| | | | |
|-------------------------------|-------|--------------------|-------|
| Date of Approval: | _____ | Amount Approved: | _____ |
| COUNCIL | _____ | CITY MANAGER | _____ |
| FUND OR ACCOUNT TO BE CHARGED | | | |
| Current Budget | _____ | Reprogram Funds | _____ |
| Contingent Fund | _____ | Fund Balance – G F | _____ |
| Capital Outlay Reserve | _____ | Offset by revenues | _____ |
| CIP control account | _____ | Other: (Specify) | _____ |
| Utility Outlay Reserve | _____ | _____ | _____ |
| | | Account Number | _____ |

Accounting Manager

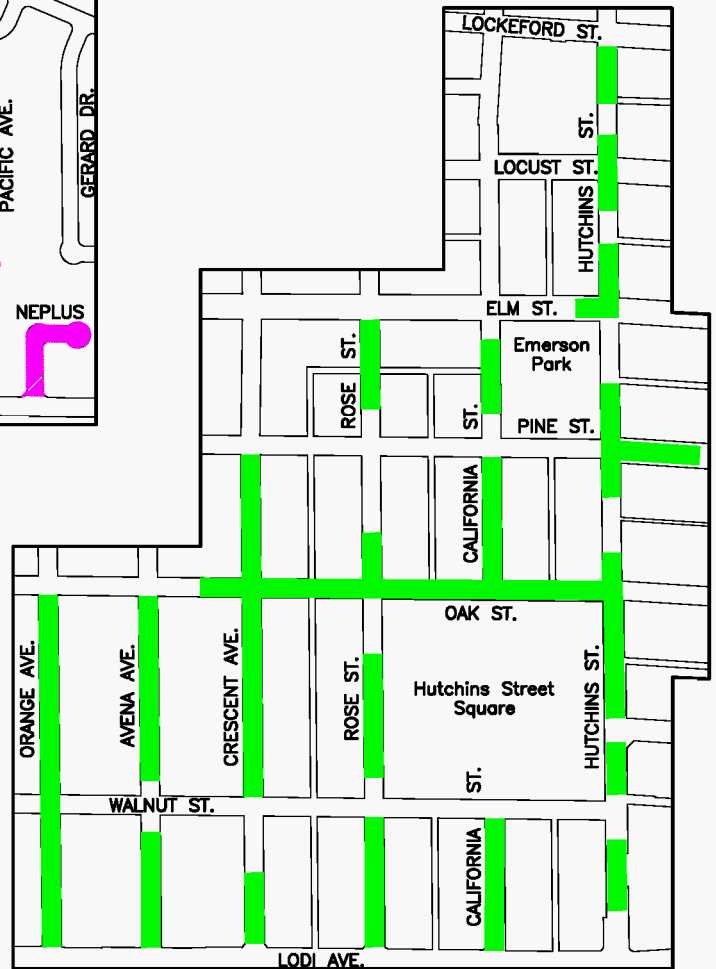
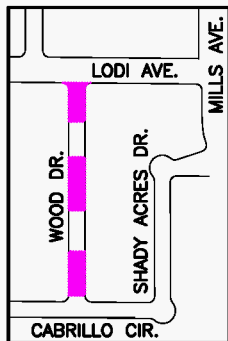
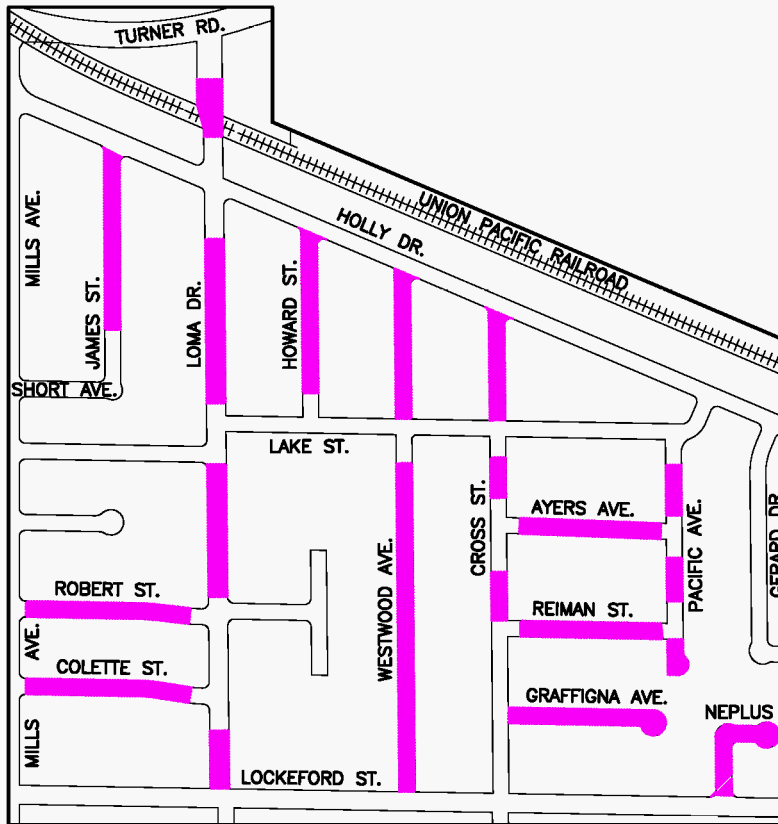
Finance Director

Submit this form in duplicate to the Finance Director, Distribution after approval will be as follows:

1) Originating Department

2) Finance Department

STREETLIGHT COMPLETION PROJECT PHASE IV



LEGEND



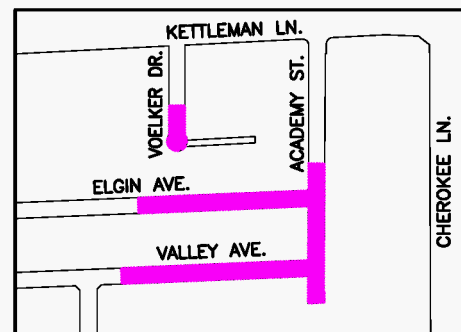
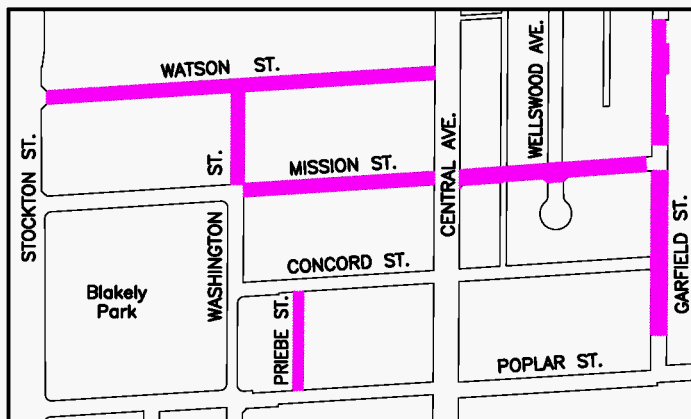
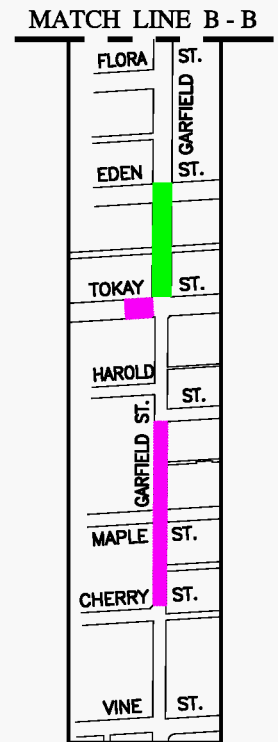
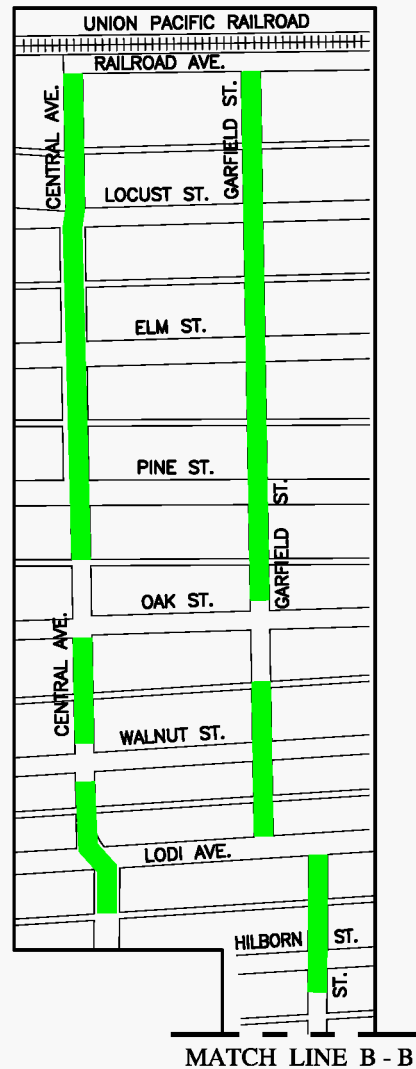
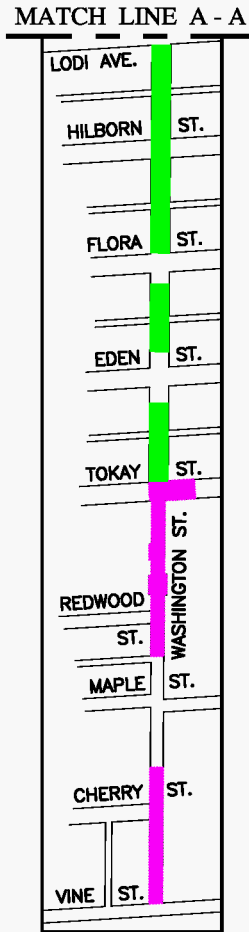
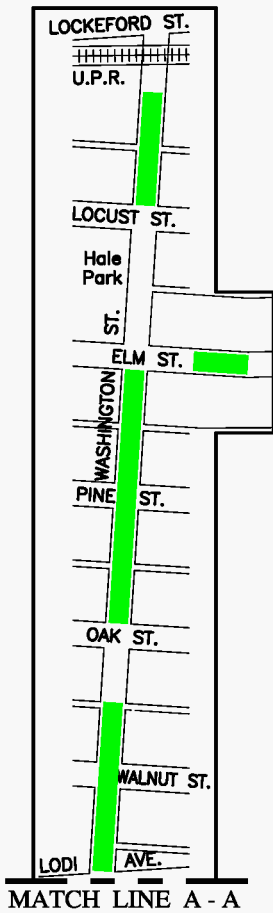
CONCRETE STANDARDS



STEEL STANDARDS



STREETLIGHT COMPLETION PROJECT PHASE IV



LEGEND
 CONCRETE STANDARDS
 STEEL STANDARDS



Streetlight Completion Project Timeline

PHASE I:

August 16, 2000 Approve plans and specifications, authorize advertisement for bids.
Funding: EUD Certificate of Participation
\$200,000 by motion - unanimous consent

October 4, 2000 Award Contract for Installation of Streetlights.

May 16, 2001 Accept Improvements, filed notice of completion.

PHASE II:

March 21, 2001 Approve plans and specifications, authorize advertisement for bids.
Funding: EUD Certificate of Participation
\$400,000 on consent

June 6, 2001 Award Contract for Installation of Streetlights.

February 20, 2002 Appropriate funds for Streetlight Completion Project.
Funding: EUD Certificate of Participation
\$125,000 Res:2002-43, unanimous consent

February 20, 2002 Accept Improvements, filed notice of completion.

PHASE III:

August 21, 2002 Approve plans and specifications, authorize advertisement for bids.
Funding: EUD Certificate of Participation
\$1,235,000 Res:2002-184, unanimous consent

October 16, 2002 Award Contract for Installation of Streetlights.

August 6, 2003 Accept Improvements, filed notice of completion.

PHASE I

STREETLIGHT
COMPLETION PROJECT



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Approve plans and specifications, authorize advertisement for bids for installation of streetlights on Avena and Orange Avenues and Cardinal, Park and York Streets (\$77,400) and authorize transfer of funds for the Streetlight Completion Project

MEETING DATE: August 16, 2000

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council authorize the transfer of \$200,000 from the Electric System Revenue Certificates of Participation to fund phase one of the Streetlight Completion Project along with approve the plans and specifications for installation of streetlights on Avena and Orange Avenues and Cardinal, Park and York Streets and authorize advertisement for bids.

BACKGROUND INFORMATION: One of the City's goals is to provide streetlighting in unlit portions of the City. This project, known as the Streetlight Completion Project, is estimated to install 1000 - 1200 lights over a period of 3 - 5 years at a cost of \$ 3.5 - 4 million. This recommendation will provide funding for the lights planned for installation during the first half of the 2000-2001 fiscal year period. As the project progresses the City Council will be requested to authorize additional transfers of funds from the Certificates of Participation.

It is also recommended that City Council approve plans and specifications and authorize advertisement for bids for installation of streetlights (25 total) on Avena and Orange Avenues and Cardinal, Park and York Streets, part one of this phase of the project. This area was selected due to its proximity to a neighborhood school. The estimated cost of this part of the Streetlight Completion Project is \$77,400.

Bid opening has been scheduled for September 13, 2000.

FUNDING: Electric System Revenue Certificates of Participation

Funding Approval:


Vicky McAthie, Finance Director


Alan N. Vallow
Electric Utility Director

PREPARED BY: Hans Hansen, Manager, Engineering and Operations

ANV/HM/1st

C: City Attorney
Manager, Business Planning and Marketing
Manager, Rates and Resources

Public Works Director
Purchasing Officer

APPROVED:


H. Dixon Flynn - City Manager

1107K

15. Agenda item #E-15 entitled, "Approve professional services for Test Water Well Drilling 2000/02" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
16. Authorized the Treasurer and Deputy Treasurer to enter into agreements with the Farmers and Merchants Bank of Central California for the issuance of a City credit card for Jerry J. Adams, Chief of Police.
17. Set Public Hearing for September 20, 2000 to consider the Planning Commission's recommendation of approval to the City Council for a General Plan Amendment from LDR, Low Density Residential to NCC, Neighborhood Community Commercial; rezone from C-S, Commercial Shopping and R-1, Single-Family Residential to PD, Planned Development; and certification of Negative Declaration ND-00-05 as adequate environmental documentation on behalf of Kristmont West, Inc. for property located at 333 South Lower Sacramento Road.
18. Authorized the City to join the amicus brief in the case of G & G Fire Sprinklers, Inc. v. Bradshaw, 204 F.3d 941 in the 9th Circuit, Writ of Certiorari to the US Supreme Court.

ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

1. Agenda item #E-3 entitled, "Approve plans and specifications, authorize advertisement for bids for installation of streetlights on Avena and Orange Avenues and Cardinal, Park and York Streets (\$77,400) and authorize transfer of funds for the Streetlight Completion Project".

Council Member Land asked what the priorities are for streetlights. He noted that a neighborhood on the 1700 block of west Locust Street has been asking for street lights for the past four years.

Engineering and Operations Manager Hansen responded that Council's action tonight will authorize the installation of 25 lights, and in the future staff will install 150 lights at a time. The entire project will last four to five years. The order of priority is: schools, public facilities, commercial, and residential. West Locust Street is scheduled to be done in November.

MOTION:

The City Council, on motion of Council Member Land, Nakanishi second, unanimously authorized the transfer of \$200,000 from the Electric System Revenue Certificates of Participation to fund phase one of the Streetlight Completion Project, approved the plans and specifications for installation of streetlights on Avena and Orange Avenues and Cardinal, Park and York Streets, and authorized advertisement for bids.

2. Agenda item #E-4 entitled, "Approve plans and specifications and authorize advertisement for bids for Katzakian Park, 2735 West Turner Road".

Council Member Hitchcock questioned if \$600,000 is the average cost for a park. Public Works Director Prima responded that it is; however, this does not include the price of the land. He added that the project is being funded by park impact fees. Staff will come back to Council with a recommendation on fencing when the contract is awarded in a few weeks.

In response to Council Member Hitchcock, Parks and Recreation Director Williamson stated that traditionally when Parks and Recreation partnered with service clubs, in most situations they were older parks being remodeled. He recalled that the renovated 3.5 acres of Hale Park cost over \$500,000. Renovations and/or new parks cost an average of \$100,000 to \$125,000 per acre.



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Award Contract for Installation of Streetlights on Avena and Orange Avenues and Cardinal, Park and York Street (\$92,447.80)

MEETING DATE: October 4, 2000

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council award the contract for the installation of streetlights on Avena and Orange Avenues and Cardinal, Park and York Streets to the low bidder, Steiny and Company, in the amount of \$92,447.80.

BACKGROUND INFORMATION: On September 13, 2000, nine bids were received and opened for this project. The bid results are shown below:

| BIDDER | AMOUNT |
|---|-------------|
| Steiny and Company, Vallejo, CA | \$92,447.80 |
| Northern California Electric, Manteca, CA | 93,745.00 |
| Richard Heaps, Sacramento, CA | 102,804.00 |
| Tim Paxin's Excavation, Elk Grove, CA | 112,546.80 |
| Tennyson Electric, Livermore, CA | 115,580.00 |
| Clayborn Contracting, Auburn, CA | 123,687.00 |
| Collins Electric, Stockton, CA | 172,000.00 |
| Aronson Construction, Rancho Cordova, CA | 175,482.00 |
| Underground Construction, Benicia, CA | 197,250.00 |

This project will install streetlights on Avena and Orange Avenues and Cardinal, Park and York Street. This is the first phase of the Streetlight Completion Project. The area was selected because of its close proximity to a neighborhood school. It is estimated that the Street Completion Project, when completed, will have installed 1,000-1,200 lights during the next 3-5 years at a cost of \$3.5-4 million.

Plans and Specifications for this project were approved by the City Council at the meeting of August 16, 2000.

FUNDING: Business Unit 161672 Streetlight Completion Project

Funding Approval:

Vicky McAthie
Vicky McAthie, Finance Director

Alan N. Vallow
Alan N. Vallow
Electric Utility Director

PREPARED BY: Al Smatsky, Senior Electrical Estimator

ANV/AMS/st

C: City Attorney Public Works Director Purchasing Officer

APPROVED:

H. Dixon Flynn - City Manager

RESOLUTION NO. 2000-179

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING CONTRACT
FOR INSTALLATION OF STREETLIGHTS ON AVENA AND ORANGE
AVENUES AND CARDINAL, PARK AND YORK STREETS

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on September 13, 2000 at 11:00 a.m. for Installation of Streetlights on Avena and Orange Avenues and Cardinal, Park and York Streets, described in the specifications therefore approved by the City Council on August 16, 2000; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

| BIDDER | AMOUNT |
|---|-------------|
| Steiny and Company, Vallejo, CA | \$92,447.80 |
| Northern California Electric, Manteca, CA | 93,745.00 |
| Richard Heaps, Sacramento, CA | 102,804.00 |
| Tim Paxin's Excavation, Elk Grove, CA | 112,546.80 |
| Tennyson Electric, Livermore, CA | 115,580.00 |
| Clayborn Contracting, Auburn, CA | 123,687.00 |
| Collins Electric, Stockton, CA | 172,000.00 |
| Aronson Construction, Rancho Cordova, CA | 175,482.00 |
| Underground Construction, Benicia, CA | 197,250.00 |

WHEREAS, the City Manager recommends award of the contract for Installation of Streetlights on Avena and Orange Avenues and Cardinal, Park and York Streets be made to the low bidder, Steiny and Company of Vallejo, California.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the award of the contract for Installation of Streetlights on Avena and Orange Avenues and Cardinal, Park and York Streets be and the same is hereby awarded to the low bidder, Steiny and Company, of Vallejo, California, in the amount of \$92,447.80.

Dated: October 4, 2000

I hereby certify that Resolution No. 2000-179 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 4, 2000, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Land, Nakanishi, Pennino and Mayor Mann

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON

City Clerk

2000-179

4

- Murdock
- E-6 Adopted Resolution No. 2000-178 approving Program Supplement No. 040-M to Administering Agency-State Agreement 10-5154 for the Kettlerman Lane (Highway 12) and Crescent Avenue Traffic Signal/Median Project and authorizing the Public Works Director to sign the supplement.
- E-7 "Adopt resolution authorizing the Public Works Director to accept and sign the Master Agreement entitled, 'Administering Agency-State Agreement for Federal Aid Projects' for all Program Supplements to Administering Agency-State Agreement No. 10-5154, updated June 4, 1997, Procedures for Federal Aid Funding of City of Lodi Transportation Projects" was *removed from the Consent Calendar and discussed and acted upon under the Regular Calendar as H-7.*
- E-8 "Authorize City Manager to execute a professional services agreement with West Yost & Associates for engineering services to assess component failure modes and effects analysis for the White Slough Water Pollution Control Facility; and appropriate \$25,600 for the project" was *removed from the Consent Calendar and discussed and acted upon under the Regular Calendar as H-8.*
- E-9 "Authorize City Manager to execute a professional services agreement with West Yost & Associates for engineering services to perform pilot testing to determine the feasibility of percolation treatment/disposal of effluent; and appropriate \$113,500 for the project" was *pulled from the agenda pursuant to staff's request.*
- E-10 "Extend Exclusive Right to Negotiate Agreement with ProStyle Sports" was *removed from the Consent Calendar and discussed and acted upon under the Regular Calendar as H-4.*
- E-11 "Accept Downtown Lodi Business Partnership (DLBP) 2001 Annual Report and Budget" was *pulled from the agenda pursuant to staff's request.*
- E-12 "Creation of Swimming Pool Task Force" was *removed from the Consent Calendar and discussed and acted upon under the Regular Calendar as H-5.*
- E-13 Adopted Resolution No. 2000-179 awarding the contract for the installation of streetlights on Avena and Orange Avenues and Cardinal, Park and York Streets to the low bidder, Steiny and Company, in the amount of \$92,447.80.

F. PUBLIC HEARINGS

- F-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the Public Hearing to consider Adult Oriented Business Regulatory Ordinance.

City Attorney Hays briefly described each of the eight articles in the proposed adult oriented business regulatory ordinance.

HEARING OPENED TO THE PUBLIC:

- a) Rev. Dale Edwards, 1724 Camphor Way, Lodi, stated that adult oriented businesses promote violence against women and contribute to pandemic health issues faced by our communities. It is the responsibility of government to protect and promote moral values of society. The Council has a responsibility to lay the groundwork for the City in upholding moral excellence. Rev. Edwards stated that his congregation of several hundred people want to live in a city that has moral values. He urged the Council to vote in favor of the ordinance.



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Accept Improvements under Streetlight Completion Project – Phase 1 (EUD)

MEETING DATE: May 16, 2001

SUBMITTED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council accept improvements under the Streetlight Completion Project – Phase I contract and direct the Electric Utility Director to file a notice of completion with the County Recorder's Office.

BACKGROUND INFORMATION: The contract was awarded to Steiny and Company, Inc., Vallejo, CA, on October 4, 2000, in the amount of \$92,447.80. On December 20, 2000, the City Council approved an addendum in the amount of \$4,915.00 which expanded the scope of the contract. During the construction period one Contract Change Order was issued, making the contract amount \$101,722.57. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was May 14, 2001, and the actual completion date was April 5, 2001. The final contract price was \$106,497.46. The difference between the contract amount and the final contract price is due to adjustments in contract quantities (boring and installing conduits and removal/replacement of sidewalk) to pay the contractor for actual work performed.

FUNDING: Business Unit #161672, Streetlight Completion project

Funding Approval:

Ruby R. Finto for
Vicky McAthie, Finance Director

Alan N. Vallow
Alan N. Vallow
Electric Utility Director

PREPARED BY: Hans Hansen, Manager, Engineering and Operations

ANV/HH/st

c: City Attorney
City Clerk
Public Works Director
Purchasing Officer

APPROVED:

H. Dixon Flynn for DT
H. Dixon Flynn - City Manager

When Recorded, Mail to:

2001 MAY 18 AM 10:18

SAN JOAQUIN COUNTY

Electric Utility Director
City of Lodi
P.O.Box 3006
Lodi CA 95241- 1910

NOTED
2001 MAY 18

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

On May 16, 2001, the City Council of the City of Lodi accepted completion of the work of improvements known as:

STREETLIGHT COMPLETION PROJECT - PHASE I

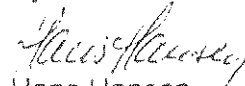
The work of improvement consisted of boring and installing 3,923 linear feet of conduit, excavation, backfilling and compaction, installing 25 luminaires and standards with associated wiring, 31 streetlight bases and other incidental and related work as shown on the plans and specifications for the project.

The contractor is Steiny and Company Inc., 27 Sheridan Street, Vallejo, CA 94590

The surety is Liberty Mutual Insurance Company, Victoria Voorhees, Attorney-in-Fact, 1551 N. Tustin Avenue, Suite 1000, Santa Ana, CA 92705

CITY OF LODI

By:



Hans Hansen

Manager, Engineering and Operations

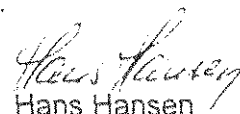
That I am the Manager, Engineering and Operations in the Electric Utility Department of the City of Lodi, the municipal corporation that executed the foregoing notice as owner of the aforesaid interest or estate in the property therein described; that I make this verification on behalf of said municipal corporation; that I have read this notice and know the content thereof, and that the facts therein stated are true.

I declare under penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 17th day of May 2001.

RECEIVED

JUN 05 2001



Hans Hansen

Manager, Engineering and Operations

E-6 Adopted Resolution No. 2001-107 adding Dell as an authorized manufacturer of network servers for the City's wide area network, and further authorizing the purchase of a Dell server for Fleet Services' Fleet Anywhere system in the amount of \$9,546.00.

E-7 Adopted Resolution No. 2001-108 awarding the bid for the purchase of 15kV XLPE concentric neutral primary underground conductor to the low bidders in each size category, as follows:

| | | |
|------------------|--------------------------------------|---------------------|
| 20,000 feet #2 | Pirelli Cables & Systems, Colusa, CA | \$ 16,017.50 |
| 45,000 feet #2/0 | Pirelli Cables & Systems, Colusa, CA | \$ 44,698.50 |
| 20,000 feet #750 | Nexans Energy USA, Warrenton, VA | \$ 61,630.83 |
| | | <u>\$122,346.83</u> |

~~E-8~~ ~~Accepted the Improvements under the Streetlight Completion Project, Phase I contract, and directed the Electric Utility Director to file a notice of completion with the County Recorder's office.~~

E-9 Accepted the improvements under the "Elm Street Parking Lot Project, 11, 15, and 17 West Elm Street" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.

E-10 Adopted Resolution No. 2001-109 accepting the development improvements for Lodi West, Unit No. 7, Tract No. 2964.

E-11 Adopted Resolution No. 2001-110 accepting the development improvements for the Improvement Agreement for Richards Ranch, Tract No. 2636, and Thayer Ranch, Tract No. 2850.

E-12 Approved the Improvement Agreement for the public improvements of 770 N. Guild Avenue, directed the City Manager and City Clerk to execute the agreement on behalf of the City, and appropriated funds for the required reimbursements.

E-13 Adopted Resolution No. 2001-111 authorizing the lease of a modular office unit and a modular restroom unit for the Municipal Service Center of the Public Works Department from Mobile Modular Management Corporation, of Livermore, California, in the amount of \$47,510; and appropriated funds to cover the leases.

E-14 Adopted Resolution No. 2001-112 approving extension of the existing landscape maintenance contract for July 1, 2001, through December 31, 2001, with Odyssey Landscape Company, Inc., of Stockton, in the amount of \$50,450.00.

E-15 "Adopt resolution approving an agreement between the City of Lodi and Spare Time Inc., dba Twin Arbor Athletic Club, for use of pools at Twin Arbor Athletic Club facilities for the period of June 4, 2001 to July 27, 2001" was *removed from the Consent Calendar and discussed and acted upon following the approval of the Consent Calendar.*

E-16 "Adopt resolution approving an agreement between the City of Lodi and the California Military Department for use of the National Guard Armory Building located at 333 N. Washington Street, Lodi, for a period of one year and authorize stated repairs" was *removed from the Consent Calendar and discussed and acted upon following the approval of the Consent Calendar.*

E-17 "Adopt resolution reallocating \$10,000 in Community Development Block Grant (CDBG) funds from the 2000-01 Salvation Army Project allocation to the 2000-01 Hutchins Street Square Playground Americans with Disabilities Act (ADA) Retrofit Project" was *removed from the Consent Calendar and discussed and acted upon prior to the Regular Calendar.*

PHASE II

STREETLIGHT
COMPLETION PROJECT



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Approve plans and specifications, authorize advertisement for bids for installation of streetlights on phase two of the Streetlight Completion Project (\$400,000) and adopt resolution authorizing the transfer of funds for this project

MEETING DATE: March 21, 2001

SUBMITTED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council approve the plans and specifications and authorize advertisement for bids for installation of streetlights on phase two of the Streetlight Completion Project and authorize the transfer of funds for the project.

BACKGROUND INFORMATION: One of the City's goals is to provide streetlighting in unlit portions of the City. This project, known as the Streetlight Completion Project, is estimated to install 1000 - 1200 lights over a period of 3 - 5 years at a cost of \$ 3.5 - 4 million. This project, phase two, will install 98 lights utilizing a contractor via the bid process and 7 lights on existing utility poles by City forces in various areas throughout the City as shown highlighted on the attached map. This recommendation will also provide funding for the design, construction contract management and construction by City forces. In addition this action will re-establish the funding for the total project to date (phase 1 and 2) due to the funding augmentation of \$80,400 from this source for the East Side Lighting Project, Phase 3, as approved by the City Council on February 7, 2001.

The estimated cost of the construction contract is \$400,000.

The recommended amount of transfer from the Electric System Revenue Certificates of Participation is \$550,000

Bid opening has been scheduled for April 17, 2001.

FUNDING: Electric System Revenue Certificates of Participation

Funding Approval:

Vickie McAthie
Vickie McAthie, Finance Director

Alan N. Vallow
Alan N. Vallow
Electric Utility Director

Prepared by: Hans Hansen, Manager, Engineering and Operations
ANV/HH/ist

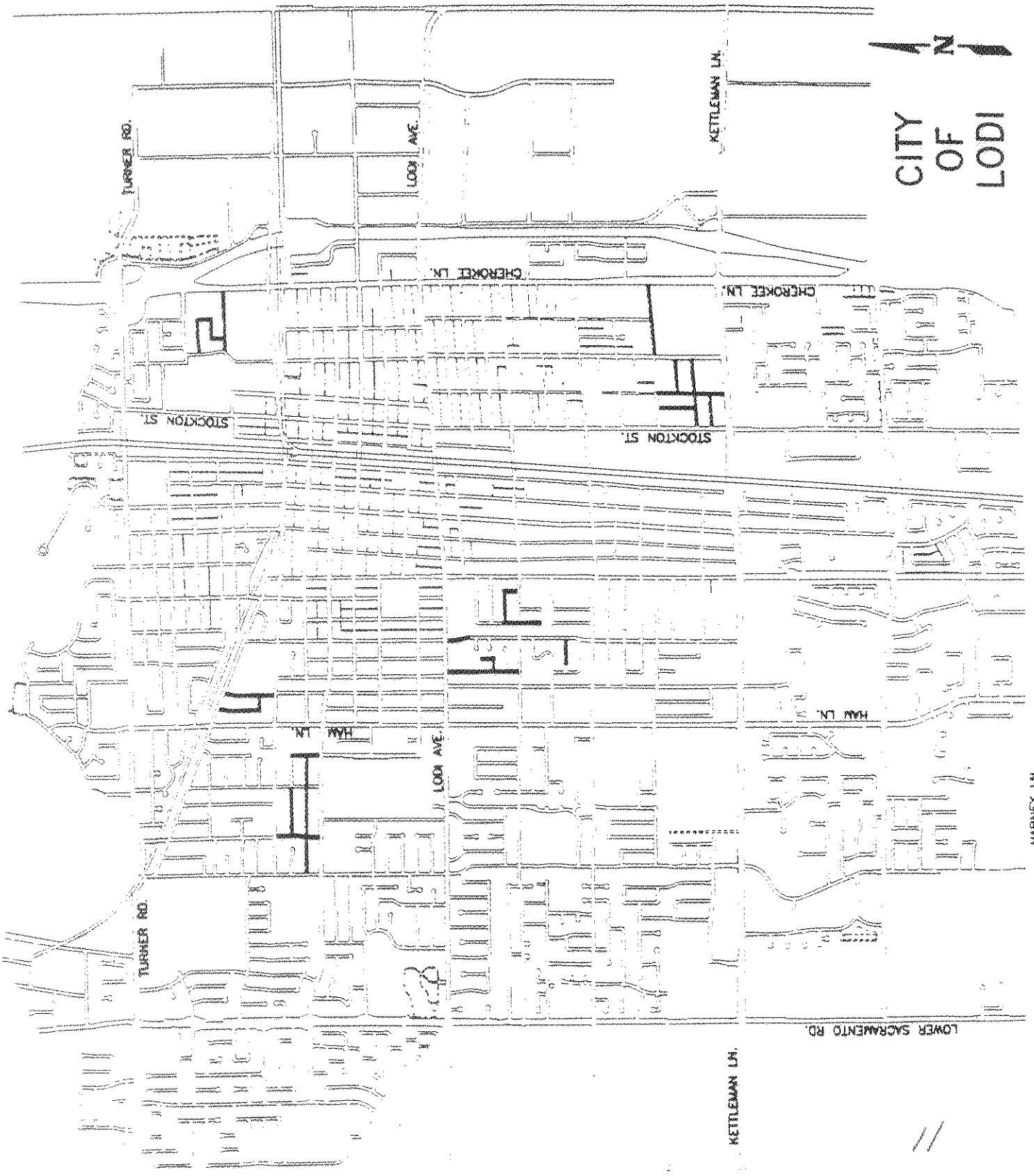
c: City Attorney
Manager, Rates and Resources
Public Works Director
Purchasing Officer

APPROVED:

H. Dixon Flynn
H. Dixon Flynn - City Manager



CITY OF LODI



Copy

CITY OF LODI
SPECIAL ALLOCATION REQUEST

ACCOUNTING MANAGER
FINANCE DIRECTOR

DATE: March 22, 2001

FROM: ELECTRIC UTILITY DEPARTMENT

PROJECT NUMBER: 161672.1825.1700

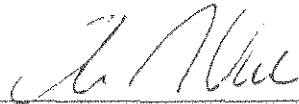
Request is made for funds to accomplish the following project, which was not included in the current budget.

TITLE: Fund Streetlight Completion Project, phase 2

| Description of Project | Estimated Costs |
|---|-----------------|
| One of the City's goals is to provide streetlighting in unlit portions of the City. This project, known as the Streetlight Completion Project, is estimated to install 1,000 - 1,200 lights over a period of 3 - 5 years at a cost of \$ 3.5 - 4 million. | \$550,000.00 |

This Special Allocation will provide funding for the design, contract administration and construction contract for the 105 lights planned for installation during phase 2. In addition this transfer will re-establish the funding for the total project to date (phase 1 and 2) due to the funding augmentation of \$80,400 from this source for the East Side Lighting Project, Phase 3, as approved by the City Council on February 7, 2001.

It is recommended that the transfer of \$550,000.00 be from the Electric System Revenue Certificates of Participation.



Alan N. Vallow, Electric Utility Director

(If you need more space, use additional sheet and attach to this form)

| | | | |
|-------------------------------|-------|--------------------|-------|
| Date of Approval: | _____ | Amount Approved: | _____ |
| COUNCIL | _____ | CITY MANAGER | _____ |
| FUND OR ACCOUNT TO BE CHARGED | | | |
| Current Budget | _____ | Reprogram Funds | _____ |
| Contingent Fund | _____ | Fund Balance - G F | _____ |
| Capital Outlay Reserve | _____ | Offset by revenues | _____ |
| CIP control account | _____ | Other: (Specify) | _____ |
| Utility Outlay Reserve | _____ | | _____ |
| | | Account Number | _____ |

Accounting Manager

Finance Director

Submit this form in duplicate to the Finance Director. Distribution after approval will be as follows:

1) Originating Department

2) Finance Department

LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MARCH 21, 2001

EXHIBIT A

Auth.

A. ROLL CALL

The Regular City Council meeting of March 21, 2001 was called to order by Mayor Nakanishi at 7:00 p.m.

Present: Council Members – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Ran Dotson, Heartland Community Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Nakanishi.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 (a) Awards – None

D-2 (a) Mayor Nakanishi presented a proclamation to Library Services Director Nancy Martinez proclaiming the week of April 1 – 7, 2001 as "National Library Week" in the City of Lodi.

D-2 (b) Mayor Nakanishi presented a proclamation to Richard Jones, Executive Director of the Lodi Boys and Girls Club, proclaiming the week of March 24 – 31, 2001 as "National Boys and Girls Club Week" in the City of Lodi.

D-3 (a) Julia Rough, member of the Greater Lodi Area Youth Commission, acknowledged the Teen of Month, Jamie Funamura from Tokay High School.

D-3 (b) Mayor Nakanishi presented the Distinguished Program Award to Police Chief Jerry Adams, which was awarded by the California Department of Youth Authority for the Lodi Area Crime Stoppers Program.

E. CONSENT CALENDAR

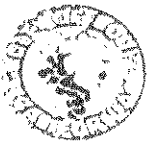
In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Land, Pennino second, unanimously approved the following items hereinafter set forth:

E-1 Claims were approved in the amount of \$4,948,831.00.

E-2 The minutes of February 20, 2001 (Special Meeting), February 27, 2001 (Shirtsleeve Session), and March 1, 2001 (Joint Meeting with the Lodi Unified School District) were approved as written.

MA - 04. E-3 Approved the plans and specifications for installation of streetlights on phase two of the Streetlight Completion Project, authorized advertisement for bids, and authorized the transfer of funds for the project.

E-4 Adopted Resolution No. 2001-62 authorizing the City Manager to purchase two electric panels from All-Phase Electric Company, in Stockton, in the amount of \$40,796.25 for Turner Road Underpass Storm Pumping Facility and Water Well No. 26 at Katzakian Park, and appropriate funds to cover the purchase.



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution awarding the contract for installation of streetlights on Streetlight Completion Project Phase 2 to Tim Paxin's Pacific Excavation, Inc. (\$367,221.00)

MEETING DATE: June 6, 2001

SUBMITTED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council award the contract for installation of streetlights on Streetlight Completion Project Phase 2 to the low bidder, Tim Paxin's Pacific Excavation, Inc. in the amount of \$367,221.00.

BACKGROUND INFORMATION: On May 1, 2001, eight bids were received and opened for this project. The bid results are tabulated below:

| BIDDER | AMOUNT |
|--|--------------|
| Tim Paxin's Pacific Excavation, Inc., Elk Grove, CA | \$367,221.00 |
| Arrow Construction, Sacramento, CA | 367,370.00 |
| Richard Heaps, Electrical Contractor, Inc., Sacramento, CA | 388,546.00 |
| Tennyson Electric, Inc., Livermore, CA | 394,950.00 |
| Clayborn Contracting Group, Inc., Auburn, CA | 398,134.00 |
| Collins Electrical Company, Inc., Stockton, CA | 460,000.00 |
| Steiny and Co., Inc., Vallejo, CA | 489,110.00 |
| Summit Electrical Construction, Clovis, CA | 435,730.00* |

* Did not submit addendum

This project will install streetlights in various locations throughout the City. The involved streets are shown darkened within the circles on the attached map. It is estimated that the Streetlight Completion Project, when completed, will have installed 1,000 - 1,200 lights during the next 3 - 5 years.

Plans and Specifications for this project were approved by the City Council at the meeting of March 21, 2001. During the bidding process, one addendum was issued. In order to be considered a qualified bidder a prospective bidder was required to return a signed acknowledgement indicating receipt of the addendum or include such acknowledgement with the bid.

One bidder did not submit the acknowledgement. The addenda were mailed via FedEx. FedEx's records indicate delivery of the addendum to Summit Electrical Construction.

Funding: Business Unit # 161672 Streetlight Completion Project

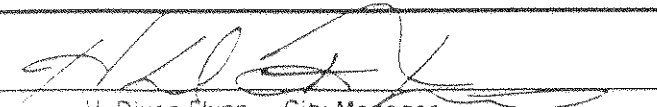
Funding Approval:


Vicky McAthie, Finance Director


Alan N. Vallow, Electric Utility Director

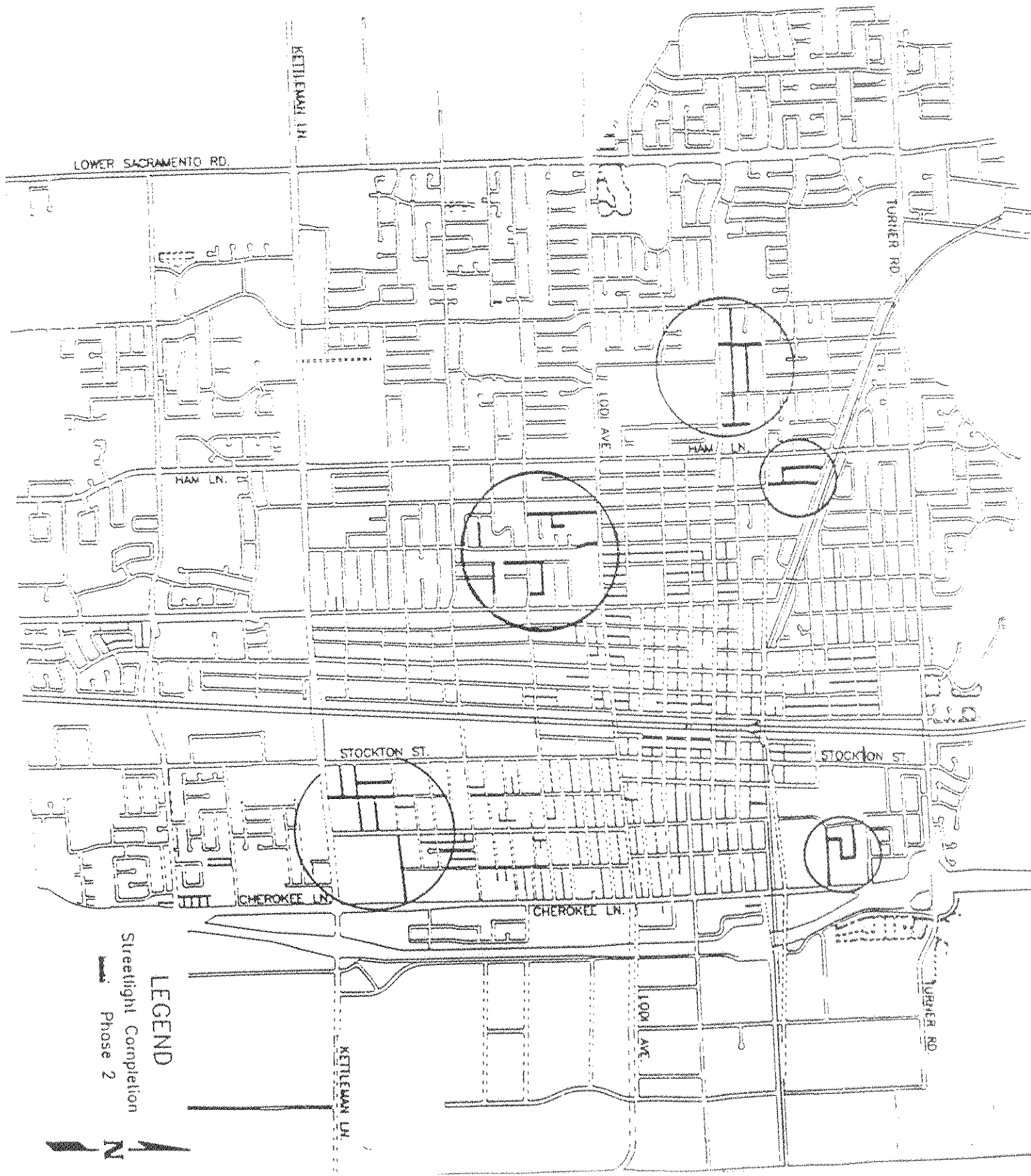
PREPARED BY: Hans Hansen, Manager, Engineering and Operations
ANV/HH/ist

APPROVED:


H. Dixon Flynn - City Manager

124

81



A RESOLUTION OF THE LODI CITY COUNCIL AWARDDING THE
CONTRACT FOR INSTALLATION OF STREETLIGHTS UNDER
STREETLIGHT COMPLETION PROJECT PHASE 2

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council sealed bids were received and publicly opened May 1, 2001 at 11:00 a.m. for installation of Streetlights under Streetlight Completion Project Phase 2, described in the specifications therefore approved by the City Council on March 21, 2001; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as shown on as follows:

| BIDDER/LOCATION | AMOUNT |
|--|--------------|
| Tim Paxin's Pacific Excavation, Inc., Elk Grove, CA | \$367,221.00 |
| Arrow Construction, Sacramento, CA | 367,370.00 |
| Richard Heaps, Electrical Contractor, Inc., Sacramento, CA | 388,546.00 |
| Tennysen Electric, Inc., Livermore, CA | 394,950.00 |
| Clayborn Contracting Group, Inc., Auburn, CA | 398,134.00 |
| Collins Electrical Company, Inc., Stockton, CA | 460,000.00 |
| Steiny and Co., Inc., Vallejo, CA | 489,110.00 |
| Summit Electrical Construction, Clovis, CA | 435,730.00* |

* Did not submit addendum

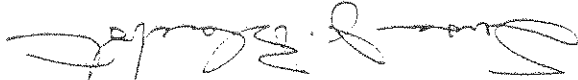
WHEREAS, the City Manager recommends awarding the contract for the installation of Streetlights under Streetlight Completion Project Phase 2, to Tim Paxin's Pacific Excavation, of Elk Grove, California.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby award the contract for the installation of Streetlights under Streetlight Completion Project Phase 2, to Tim Paxin's Pacific Excavation, of Elk Grove, California, in the amount of \$367,221.00.

Dated: June 6, 2001

I hereby certify that Resolution No. 2001-144 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 6, 2001, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Penning and Mayor Nakanishi
 NOES: COUNCIL MEMBERS – None
 ABSENT: COUNCIL MEMBERS – None
 ABSTAIN: COUNCIL MEMBERS – None


 SUSAN J. BLACKSTON
 City Clerk

Awarding

MOTION/ VOTE:

Council Member Land made a motion, Howard second, to adopt Resolution No. 2001-143 certifying the filing of a Mitigated Negative Declaration by the Community Development Director as adequate environmental documentation for the proposed Lodi Skate Park; to authorize the City Manager to enter into an agreement with Spohn Ranch for the design, construction, and operation of a Skate Park facility at Kofu Park; to authorize staff to proceed with the construction in the amount of \$540,522.19; and to direct staff to address Council's concern regarding the hours of operation.

DISCUSSION:

Council Member Howard reiterated her desire to have the skate park closed at 9:00 p.m. every day, with the possible exception of Thursday.

Council Member Hitchcock stated that she did not believe the Mitigated Negative Declaration was sufficient environmental documentation for the project.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Howard, Land, Pennino and Mayor Nakanishi

Noes: Council Members – Hitchcock

Absent: Council Members – None

ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-9 "Adopt resolution awarding the contract for installation of streetlights on Streetlight Completion Project, Phase 2, to Tim Paxin's Pacific Excavation, Inc., of Elk Grove (\$367,221)"

Council Member Howard reported that over the next three to five years, approximately 1,000 to 1,200 streetlights would be installed.

Community Development Director Bartlam displayed an overhead map and reviewed the locations for the new streetlights.

MOTION / VOTE:

The City Council, on motion of Council Member Howard, Nakanishi second, unanimously adopted Resolution No. 2001-144 awarding the contract for installation of streetlights under Streetlight Completion Project, Phase 2, to the low bidder, Tim Paxin's Pacific Excavation, Inc., of Elk Grove, California, in the amount of \$367,221.00.

- E-24 "Adopt resolutions of the City of Lodi declaring its intent to reimburse certain expenditures from proceeds of indebtedness for City facilities (Public Safety, Parks and Recreation, and General Government projects)"

Mayor Pro Tempore Pennino stated that he believed there may be a possibility of funding some of the projects in the budget, including the design phase, and was not in favor of going back later to get reimbursements. He did not generally support everything being reimbursed as a bond. The police building is an appropriate expenditure for 20 to 30 years, but the smaller projects should not be spread out over that much time. Each project needs to be considered on an individual basis.

Council Member Hitchcock agreed, and stated that until the final decision is made the expenses should come out of the general budget on an annual basis.



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution authorizing the City Manager to appropriate funds for the Streetlight Completion Project in the amount of \$125,000 (EUD)

MEETING DATE: February 20, 2002

SUBMITTED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council adopt the attached resolution authorizing the City Manager to appropriate funds for the Streetlight Completion Project in the amount of \$125,000.

BACKGROUND INFORMATION: One of the City's goals is to provide streetlighting in unlit portions of the City. This project, known as the Streetlight Completion Project, is estimated to install 1000 - 1200 lights over a period of 3 - 5 years at a cost of \$ 3.5 - 4 million. The funding source for this project is the Certificates of Participation. As the project progresses funds are appropriated from this source into the assigned Business Unit. The City Council has in the past authorized appropriations of \$200,000 on August 16, 2000 and \$550,000 on March 21, 2001 for Phase I and II, respectively, and for other qualifying streetlighting projects. In order to proceed with the project i.e. continue the design and easement acquisitions for Phase III, and fund already incurred expenses such as streetlighting on Stockton and Elm Streets, it is necessary to appropriate funds, in the amount of \$125,000, at this time.

FUNDING: Electric System Revenue Certificates of Participation.

Funding Approval: Vickie McAthie
Vickie McAthie, Finance Director

Alan N. Vallow
Electric Utility Director

PREPARED BY: Hans Hansen, Manager, Engineering and Operations

ANV/HH/1st

C: City Attorney
Finance Director

APPROVED: H. Dixon Flynn
H. Dixon Flynn - City Manager

RESOLUTION NO. 2002-43

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE
CITY MANAGER TO APPROPRIATE FUNDS FOR THE STREETLIGHT
COMPLETION PROJECT FROM THE ELECTRIC SYSTEM REVENUE
CERTIFICATES OF PARTICIPATION

=====

WHEREAS, one of the City's goals is to provide street lighting in unit portions of the City; and

WHEREAS, this project is known as the Streetlight Completion Project, and is estimated to install 1,000 – 1,200 lights over a period of 3-5 years at a cost of \$3.5 – \$4 million; and

WHEREAS, the funding source for this project is the Electric System Revenue Certificates of Participation; and

WHEREAS, as the project progresses funds are appropriated from this source into the assigned Business Unit. The City Council in the past has authorized appropriations of \$200,000 on August 16, 2000, and \$550,000 on March 21, 2001 for Phase I and II, and for other qualifying street lighting projects; and

WHEREAS, in order to proceed with Phase III of the project, i.e. design and easement acquisitions, and fund incurred expenses such as street lighting on Stockton and Elm Streets, staff recommends appropriating \$125,000.00 at this time.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby authorize the City Manager to appropriate funds for the Streetlight Completion Project from the Electric System Revenue Certificates of Participation in the amount of \$125,000.00.

Dated: February 20, 2002

=====

I hereby certify that Resolution No. 2002-43 was passed and adopted by the Lodi City Council in a regular meeting held February 20, 2002 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Nakanishi, and Mayor Pennino

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

Camp.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Hitchcock, Land second, unanimously adopted Resolution No. 2002-42 approving the grant applications to apply for grant funds to operate summer day camp programs at Lodi Lake Park and Lockeford School under the Youth and Family Enrichment Program through the Human Services Agency of San Joaquin County.

- E-10 "Adopt resolution authorizing the City Manager to appropriate funds for the Streetlight Completion Project in the amount of \$125,000"

In response to Council Member Nakanishi, Electric Utility Director Vallow reported that the Streetlight Completion Project design is 30% complete, and installation is 20% to 25% complete. He believed the overall cost of the project would be just over \$3 million.

In answer to Mayor Pro Tempore Hitchcock, Mr. Vallow stated that funding for this item is in the capital budget as well as the 1999 bond disclosure document.

MOTION / VOTE:

The City Council, on motion of Council Member Nakanishi, Hitchcock second, unanimously adopted Resolution No. 2002-43 authorizing the City Manager to appropriate funds for the Streetlight Completion Project in the amount of \$125,000.

- E-13 "Adopt resolution authorizing the City Manager to sign a consulting services agreement with McDonald Partners to provide bulk power cost modeling and strategic advisory services to the Electric Utility Department (not to exceed \$75,000)"

In reply to questions posed by Mayor Pro Tempore Hitchcock, Electric Utility Director Vallow explained that the Northern California Power Agency (NCPA) optimizes resources for the pool as if it were one utility. Traditionally, Lodi Electric Utility was benefited by that in the long-term; however, last year's market volatility changed the Utility's strategy toward a need for more forecasting and diligence. He stated that volatility still continues and he believed the market would never return to its former condition. Mr. Vallow clarified that there still remains long-term safety in the NCPA pool structure.

MOTION:

Mayor Pro Tempore Hitchcock made a motion, Nakanishi second, to adopt Resolution No. 2002-44 authorizing the City Manager to sign a consulting services agreement for professional services with McDonald Partners to provide production cost modeling and strategic advisory services to the Electric Utility Department up to a maximum of \$75,000.

DISCUSSION:

In response to Council Member Nakanishi, Mr. Vallow reported that the Utility is planning on changing the Market Cost Adjustment within the next two months. He projected that Lodi's rates will continue to be lower than investor owned utilities.

VOTE:

The above motion carried by a unanimous vote.

J. ORDINANCES

None.

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Nakanishi wished City Manager Flynn a happy birthday.
- Mayor Pro Tempore Hitchcock thanked Mayor Pennino and Stockton Mayor Podesto for sending a letter to citizens advocating the Measure K school bond.

20



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution authorizing the City Manager to accept the improvements under the Streetlight Completion Project – Phase II contract and direct the Electric Utility Director to file a notice of completion with the County Recorder's Office (EUD)

MEETING DATE: February 20, 2002

SUBMITTED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the City Manager to accept the improvements under the Streetlight Completion Project – Phase II contract and direct the Electric Utility Director to file a notice of completion with the County Recorder's Office.

BACKGROUND INFORMATION: The contract was awarded to Tim Paxin's Pacific Excavation, Inc., Elk Grove, CA on June 6, 2001, in the amount of \$367,221.00. On September 19, 2000, the City Council approved an addendum in the amount of \$37,949.25 which expanded the scope of the contract making the contract amount \$405,170.25. During construction an unmarked water line was penetrated during the boring process. The contractor has billed the City an additional \$3,200.00 (extra work) for costs to the contractor resulting from this incident. The Public Works Department's Water Division will be funding this added cost.


The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was January 22, 2002, with the actual completion date being January 15, 2002. The final contract price including addendum and extra work was \$413,266.25. The difference between the contract amount and the final contract price (\$4,896.25), excluding extra work, is due to adjustments in contract quantities (primarily boring and installing conduits as well as additional streetlight foundations) to pay the contractor for actual work performed.

FUNDING: Business Unit #161672, Streetlight Completion project (\$410,066.50)
Account # 18052.7720, Damage to Property (\$3,200.00)

Funding Approval:


Vicky McAthle, Finance Director


Alan N. Vallow
Electric Utility Director

PREPARED BY: Hans Hansen, Manager, Engineering and Operations

ANV/HH/ist
c: City Attorney

APPROVED:


H. Dixon Flynn - City Manager

RESOLUTION NO. 2002-35

A RESOLUTION OF THE LODI CITY COUNCIL
ACCEPTING IMPROVEMENTS UNDER THE
STREETLIGHT COMPLETION PROJECT - PHASE II, AND
FURTHER AUTHORIZING AND DIRECTING THE
ELECTRIC UTILITY DIRECTOR TO FILE A NOTICE OF
COMPLETION WITH THE COUNTY RECORDER

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi
does hereby accept the improvements under the Streetlight Completion Project - Phase II
contract; and

BE IT FURTHER RESOLVED, that the Electric Utility Director is hereby authorized
and directed to file a Notice of Completion with the County Recorder's office.

Dated: February 20, 2002


I hereby certify that Resolution No. 2002-35 was passed and adopted by the City
Council of the City of Lodi in a regular meeting held February 20, 2002, by the following
vote:

AYES: COUNCIL MEMBERS - Hitchcock, Howard, Land, Nakanishi, and
Mayor Pennino

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None


SUSAN J. BLACKSTON
City Clerk

2002-35

22

When Recorded, Mail to:

Electric Utility Director
City of Lodi
P.O.Box 3006
Lodi CA 95241-1910

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

On February 20, 2002, the City Council of the City of Lodi accepted completion of the work of improvements known as:

STREETLIGHT COMPLETION PROJECT, PHASE II.

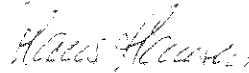
The work of improvement consisted of boring and installing 15,326 ft. of electrical conduit, installing 112 streetlight foundations, 99 standards and luminaires and 32,400 ft. of conductor and other incidental and related work as shown on the plans and specifications for the project.

The contractor is Tim Paxin's Pacific Excavation, Inc., 9701 Dino Drive, Suite 110, Elk Grove, CA 95624

The surety is American Insurance Company, James D. Einerson, Attorney-in-Fact, 580 Walnut Street, Cincinnati, OH 45202.

CITY OF LODI

By:



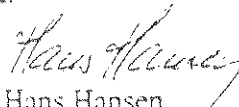
Hans Hansen

Manager, Engineering and Operations

That I am the Manager, Engineering and Operations in the Electric Utility Department of the City of Lodi, the municipal corporation that executed the foregoing notice as owner of the aforesaid interest or estate in the property therein described; that I make this verification on behalf of said municipal corporation; that I have read this notice and know the content thereof, and that the facts therein stated are true.

I declare under penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 21st day of February, 2002.



Hans Hansen

Manager, Engineering and Operations

E-7 Approved retaining Clark Well, Inc., of Stockton, as a qualified driller for test well professional services for possible City wells on the west side associated with new development and as shown on the Water Master Plan; and appropriated \$80,000 for the project.

E-8 "Adopt resolution approving the applications to apply for grant funds to operate summer day camp programs at Lodi Lake Park and Lockeford School under the Youth and Family Enrichment Program through the Human Services Agency of San Joaquin County" was ***removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.***

E-9 Approved City of Lodi credit card limits from \$5,000 to \$7,500 for Michael E. Pretz, Fire Chief, and from \$5,000 to \$15,000 for Jerry J. Adams, Police Chief.

NOTE: Due to a potential conflict of interest related to his employment with Farmers and Merchants Bank, Council Member Land abstained from discussion and voting on this matter.

E-10 "Adopt resolution authorizing the City Manager to appropriate funds for the Streetlight Completion Project in the amount of \$125,000" was ***removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.***

E-11 Adopted Resolution No. 2002-35 authorizing the City Manager to accept the improvements under the Streetlight Completion Project – Phase II contract and directed the Electric Utility Director to file a Notice of Completion with the County Recorder's office.

E-12 Set public hearing for March 6, 2002 to consider the re-allocation of Community Development Block Grant funds for the purchase of blighted property located at 17 East Elm Street (APN 043-082-01) and 22 East Locust Street (APN 043-082-02) (Weber property).

E-13 "Adopt resolution authorizing the City Manager to sign a consulting services agreement with McDonald Partners to provide bulk power cost modeling and strategic advisory services to the Electric Utility Department (not to exceed \$75,000) was ***removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.***

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

G. PUBLIC HEARINGS

None.

H. COMMUNICATIONS

H-1 On recommendation of the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), and Human Resources staff, the City Council, on motion of Council Member Land, Howard second, unanimously rejected the following claims:

- a) Eunice Friederich, date of loss 7/6/01
- b) Kenneth Nellis, date of loss 8/31/01
- c) Claudette Gaydon, date of loss 1/3/02

H-2 Reports: Boards/Commissions/Task Forces/Committees – None

H-3 Appointments – None

H-4 Miscellaneous

- a) Monthly Protocol Account Report through January 31, 2002 – presented for information only.

PHASE III

STREETLIGHT
COMPLETION PROJECT



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Approve plans and specifications, authorize advertisement for bids for installation of streetlights on Phase III of the Streetlight Completion Project (\$875,000) and appropriate funds for the project (EUD)

MEETING DATE: August 21, 2002

SUBMITTED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council approve the plans and specifications and authorize advertisement for bids for installation of streetlights on Phase III of the Streetlight Completion Project and appropriate funds for the project.

BACKGROUND INFORMATION: One of the City's goals is to provide streetlighting in unlit portions of the City. This project, known as the Streetlight Completion Project, is estimated to install 1000-1200 lights over a period of 3-5 years at a cost of \$3.5-4 million in several phases. Phase III, this item, will install 266 lights utilizing a contractor via the bid process and 18 lights on existing wood utility poles by City forces in various areas throughout the City as shown on the attached map. This recommendation will also provide funding for construction contract management, construction by City forces and 159 City furnished concrete light standards and luminaires. In addition this appropriation will provide funding for ongoing design on Phase IV and expenditures incurred to date in excess of previous funding.

Bid opening has been scheduled for September 17, 2002.

- The estimated cost of the construction contract is \$875,000.
 - The estimated cost of work to be performed and material to be supplied by the City is \$360,000.
- The recommended amount of transfer from the Electric System Revenue Certificates of Participation is \$1,235,000.

FUNDING: Electric System Revenue Certificates of Participation

Funding Approval:


Vicky McAthie, Finance Director


Alan N. Vallow
Electric Utility Director

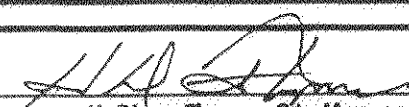
Prepared by: Hans Hansen, Manager, Engineering and Operations

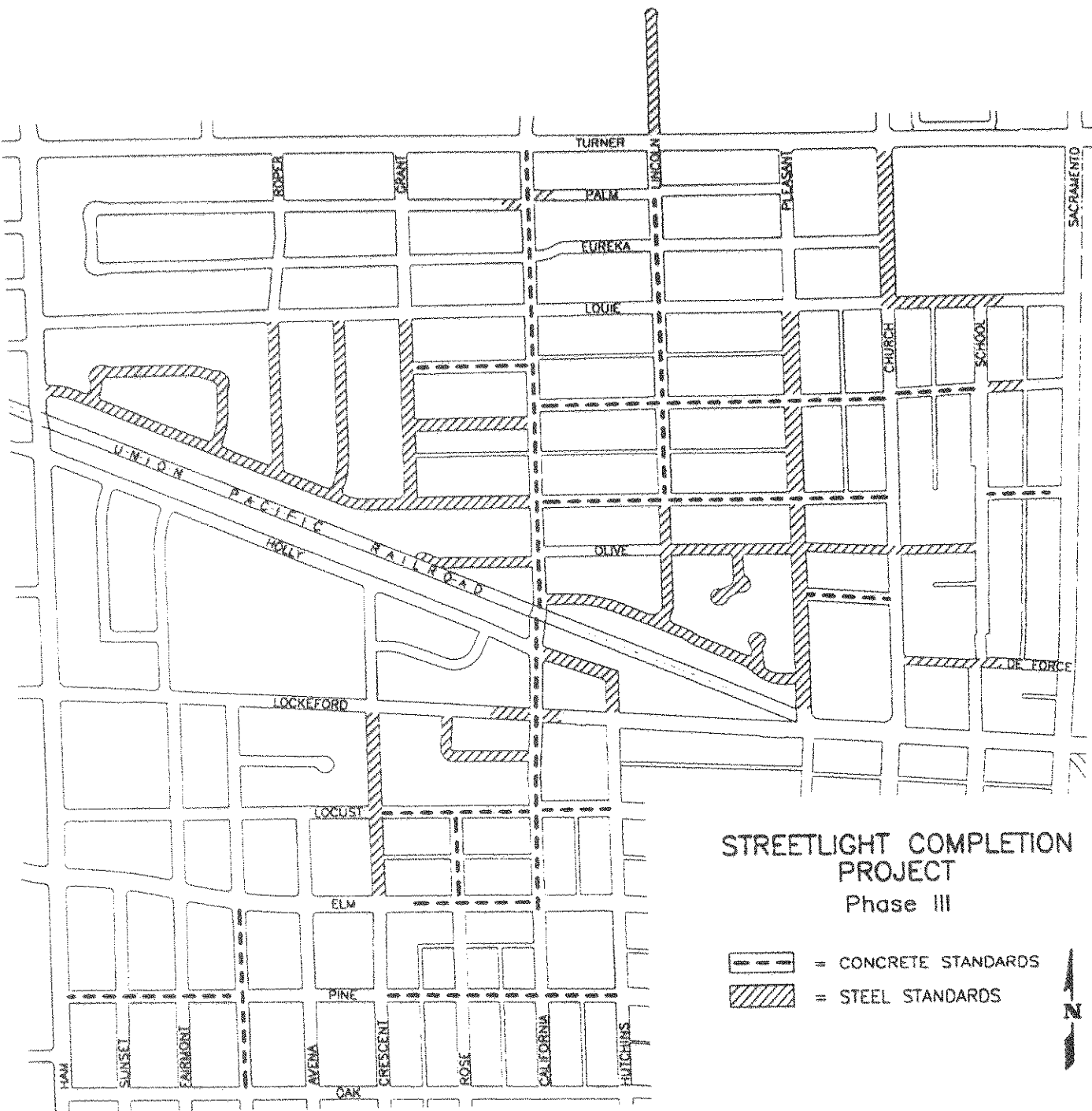
ANV/MH/lst

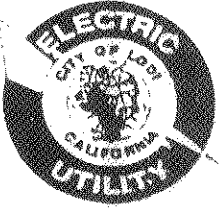
Attachment (1)

c: City Attorney
Manager, Rates and Resources
Public Works Director
Purchasing Officer

APPROVED:

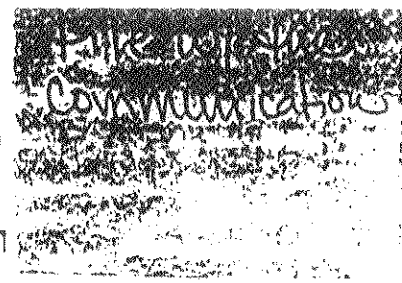

H. Dixon Flynn - City Manager





ELECTRIC UTILITY DEPARTMENT

Memorandum



TO: Janet Keeter, Deputy City Manager
FROM: Hans Hansen, Manager, Engineering and Operations
DATE: August 21, 2002
SUBJECT: Streetlight Completion Project Status Report

The following is provided in response to Council Member Nakanishi's question regarding the status of the Streetlight Completion Project.

This project is one of the City's goals and is estimated to install 1,000 - 1,200 streetlights in unlit areas of the City over a 3 - 5 year period and at an estimated cost of \$3.5 - 4 million.

The project was started in June 2000.

The budget approved amount through the 2001 - 03 Financial Plan and Budget is \$2,846,000.

The total expenditure through June 30, 2002 is \$942,910. This expenditure includes the construction contracts for Phases I and II (\$410,067), participation in the Eastside Phase III Lighting Project, the Elm Street Lighting Project (between Sacramento and School Streets) and other minor lighting projects as well as personnel expenses associated with design, easement acquisition, bidding and contract administration.

Phases I and II have installed 140 lights of which 121 are on steel standards and 19 are on concrete standards.

Phase III is going to bid pending City Council approval on August 21, 2002. This Phase will install a total of 284 lights (107 on steel standards, 159 on concrete standards and 18 on existing wood utility poles). The estimated construction contract cost is \$875,000. City furnished concrete standards and luminaires (159) at a cost of \$277,000 as well as personnel services and contingencies will bring the estimated cost of Phase III to \$1,235,000.

Design is currently in progress for Phase IV. It is anticipated that this Phase will install 250± streetlights and will be ready for the bidding process in late winter 2002 - 03. The lights will be installed in the area immediately east of the General Mills plant and the area bordered by Lockeford Street to Kettleman Lane and Main Street to Cherokee Lane.

With completion of Phase IV the project will be halfway completed (approximately).

c: Electric Utility Director

RESOLUTION NO. 2002-184

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
PLANS AND SPECIFICATIONS, AUTHORIZING ADVERTISEMENT
FOR BIDS FOR INSTALLATION OF STREETLIGHTS ON PHASE III
OF THE STREETLIGHT COMPLETION PROJECT, AND FURTHER
APPROPRIATING FUNDS FOR THIS PROJECT

=====

WHEREAS, one of the City's goals is to provide street lighting in unlit portions of the City; and

WHEREAS, the Streetlight Completion Project is estimated to install 1,000-1,200 lights over a period of three to five years at a cost of \$3.5 - \$4 million in several phases; and

WHEREAS, Phase III will install 266 lights utilizing a contractor, and 18 lights on existing wood utility poles by City staff in various areas throughout the City; and

WHEREAS, staff recommends an appropriation in the amount of \$1,235,000.00 from the Electric System Revenue Certificates of Participation for this project, which will also provide funding for construction contract management, construction by City staff and 159 City furnished concrete light standards and luminaries, and in addition this appropriation will provide funding for ongoing design on Phase IV and expenditures incurred to date in excess of previous funding.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby approve the plans and specifications, and hereby authorizes advertisement for bids for installation of streetlights on Phase III of the Streetlight Completion Project; and

BE, IT FURTHER RESOLVED, that the funds in the amount of \$1,235,000.00 be appropriated from the Electric System Revenue Certificates of Participation for this project.

Dated: August 21, 2002

=====

I hereby certify that Resolution No. 2002-184 was passed and adopted by the Lodi City Council in a regular meeting held August 21, 2002 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Nakanishi, and Mayor Pennino

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk

2002-184

Wally Sandelin, City Engineer, reported that the boundaries for this project are generally Stockton Street, Cherry Street, Central Avenue, and Mission Street. The project will include reconstructing water mains, moving them from rear yards out to the street, putting in new water services, and relining a large number of sewer mains. There will be public notification, yard restoration, and notification of service interruptions. Project No. 1 will replace 6% of the two-inch water mains.

Mayor Pennino emphasized the importance of communicating and coordinating this project with utilities, such as PG&E, AT&T, etc. to underground the infrastructure. He also recommended that Public Works and the Community Development Department work on conservation education efforts in the area and research whether state funds can be obtained to offer residents low-flow toilets, shower heads, etc.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Nakanishi second, unanimously adopted Resolution No. 2002-183 awarding the contract for the Water/Wastewater Main Replacement Program (Project No. 1) to Crutchfield Construction Company, of Stockton, in the amount of \$911,536; and appropriated \$1,150,000 for the project pursuant to staff's recommendation.

- E-3 "Adopt resolution approving plans and specifications and authorize advertisement for bids for installation of streetlights on Phase III of the Streetlight Completion Project (\$875,000); and appropriate funds for the project"

Mayor Pennino asked why steel standards are being used south of Lockeford Street on Crescent Avenue and Carlo Way, instead of concrete standards.

Electric Utility Director Vallow stated that he is recommending the area from School Street to Ham Lane, bounded by Lodi Avenue and Lockeford Street, to have the 1920s style concrete standards. This will include the Crescent Avenue and Carlo Way area.

In reply to Mayor Pro Tempore Hitchcock, Mr. Vallow reported that the original Certificate of Participation included the transmission project, infrastructure improvement, and street lighting.

Council Member Nakanishi stated that the Streetlight Completion Project is one of the City's goals and is estimated to install 1,000 to 1,200 streetlights in unlit areas of the City over a three- to five-year period at an estimated cost of \$3.5 to \$4 million. The project was started in June 2000. Total expenditures through June 30, 2002 total \$942,910. The estimated construction cost of Phase III is \$875,000. City-furnished concrete standards and luminaries, as well as personnel services and contingencies, will bring the estimated cost of Phase III to \$1,235,000. With the completion of Phase IV the project will be halfway completed. Mr. Nakanishi commented that this project is possible due to the City's Electric Utility.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Hitchcock, Nakanishi second, unanimously approved the plans and specifications for installation of streetlights on Phase III of the Streetlight Completion Project (\$875,000), authorized advertisement for bids, and appropriated funds for the project.

Public Works Director Prima noted that in many cases, the areas referred to for placement of concrete standards will require easements from property owners because there is only five feet between the curb and the right of way line.



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution awarding the contract for installation of streetlights on Streetlight Completion Project Phase III to Clayborn Contracting Group, Inc. (\$662,259.00) (EUD)

MEETING DATE: October 16, 2002

SUBMITTED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council adopt a resolution awarding the contract for installation of streetlights on Streetlight Completion Project Phase III to the low bidder, Clayborn Contracting Group, Inc., Auburn, CA, in the amount of \$662,259.00.

BACKGROUND INFORMATION: On September 17, 2002, eight bids were received and opened for this project. The bid results are tabulated below:

| BIDDER | AMOUNT |
|---|--------------|
| Clayborn Contracting Group, Inc., Auburn, CA | \$662,259.00 |
| Royal Electric Co., Sacramento, CA | 705,075.00 |
| Kinnan Engineering, Inc., Camas Valley, OR | 738,851.09 |
| Pacific Excavation, Inc., Elk Grove, CA | 789,300.00 |
| Golden State Utility Co., Turlock, CA | 834,011.00 |
| Steiny and Company, Inc., Vallejo, CA | 840,600.00 |
| Collins Electrical Company, Inc., Stockton, CA | 945,000.00 |
| Underground Construction Co., Inc., Benicia, CA | 1,127,174.00 |

This project will install 287 streetlights in the north central area of the City. The involved streets are shown on the attached map. It is estimated that the Streetlight Completion Project, when completed, will have installed 1,000 - 1,200 lights over a period of 3 - 5 years. A total of 430 lights will have been installed when Phase III is completed.

Plans and Specifications for this phase of the project were approved by the City Council at the meeting of August 21, 2002.

FUNDING: Business Unit # 161672 Streetlight Completion Project.

Funding Approval:

Vicky McAthie
Vicky McAthie, Finance Director

Alan K. Vallow
Alan K. Vallow
Electric Utility Director

PREPARED BY: Hans Hansen, Manager, Engineering and Operations

ANV/HH/ist
Attach. (1)
c: City Attorney, Public Works Director, Purchasing Officer

APPROVED:

H. Dixon Flynn
H. Dixon Flynn - City Manager



RESOLUTION NO. 2002-210

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING THE
CONTRACT FOR INSTALLATION OF STREETLIGHTS UNDER
STREETLIGHT COMPLETION PROJECT PHASE III

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council sealed bids were received and publicly opened September 17, 2002 at 11:00 a.m. for installation of streetlights under Streetlight Completion Project Phase III, described in the specifications therefore approved by the City Council on August 21, 2002; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

| BIDDER/LOCATION | AMOUNT |
|---|----------------|
| Clayborn Contracting Group, Inc., Auburn, CA | \$ 662,259.00 |
| Royal Electric Co., Sacramento, CA | \$ 705,075.00 |
| Kinnan Engineering, Inc., Camas Valley, OR | \$ 738,851.09 |
| Pacific Excavation, Inc., Elk Grove, CA | \$ 789,300.00 |
| Golden State Utility Company, Turlock, CA | \$ 834,011.00 |
| Steiny and Company, Inc., Vallejo, CA | \$ 840,600.00 |
| Collins Electrical Company, Inc., Stockton, CA | \$ 945,000.00 |
| Underground Construction Co., Inc., Benicia, CA | \$1,127,174.00 |

WHEREAS, the City Manager recommends awarding the contract for the installation of streetlights under Streetlight Completion Project Phase III, to Clayborn Contracting Group, Inc., of Auburn, California.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby award the contract for the installation of streetlights under Streetlight Completion Project Phase III, to Clayborn Contracting Group, Inc., of Auburn, California, in the amount of \$662,259.00

Dated: October 16, 2002

I hereby certify that Resolution No. 2002-210 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 16, 2002, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Nakanishi, and
Mayor Pennino

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

Award

\$37,634 for the chandelier in the rotunda. Bids to replace the manual winches with electric, range from approximately \$85,000 to \$125,000. He requested that the City reduce the \$150,000 cash contribution by \$75,000 so that the money could be utilized to purchase the electric winches. Mr. Bennett noted that it had intended to make the request for 2002-03; however, he agreed to 2003-04 as stated on the agenda and staff report.

Kevin Cruz, Technician Manager, reported that electric winches will provide labor savings, faster turnaround of events, and will enhance the ability to handle a broader scope of productions. It is proposed to remove 8 of 14 line sets and replace with them with a motorized winch system.

Community Center Director Lange reported that HSS had Chicago booked for an event, but were unable to meet its requirements to fly sets because of the current hand crank winches.

Council Member Howard noted that this request should be budgeted for as part of a capital or operating expense. While the \$150,000 a year that the Foundation gives is helpful toward paying off the debt, the City annually pays a principal payment of between \$310,000 to \$605,000, and in addition the City pays \$480,000 annually toward HSS. She commented that other requests that were made mid-cycle for the budget were not brought before Council, so it was interesting that this one had.

MOTION:

Council Member Land made a motion, Nakanishi second, to adopt Resolution No. 2002-209 authorizing the work to begin to convert the manual winch system in the HSS Performing Arts Theater to an electrical system (to be paid for by the HSS Foundation) and approved the HSS Foundation's request that this contribution be considered half of the \$150,000 fiscal year 2003-04 regulation donation.

DISCUSSION:

Mayor Pro Tempore Hitchcock agreed with Ms. Howard comments; however, she believed it to be worthy of an exception to maximize the resources available to the newly hired Technician Manager.

VOTE:

The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Land, Nakanishi, and Mayor Pennino

Noes: Council Members – Howard

Absent: Council Members – None

I-3 "Adopt resolution approving new classification and salary range for Assistant City Manager" was *pulled from the agenda*.

E-9 "Adopt resolution awarding the contract for installation of streetlights on Streetlight Completion Project Phase III to Clayborn Contracting Group, Inc. (\$662,259)"

At the request of Mayor Pro Tempore Hitchcock, Electric Utility Engineering and Operations Manager Hans Hansen reviewed the map as presented in the staff report noting that the area surrounds California Street north of the railroad track to Turner Road and an area south of Lockeford Street towards Oak Street, stretching from Hutchins to Sunset Avenue.

John Simler, Electrical Estimator, added that the lower portion is on Pine Street. The entire area will be lit once this phase is complete.

Mr. Hansen reported that this project will have 450 lights and should be completed in six months. Residents will be notified before the work begins.

Council Member Nakanishi stated that City Manager Flynn and Electric Utility Director Vallow have done an excellent job for the Utility. The \$662,000 from the Electric Utility for street lights is not paid by tax dollars.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Hitchcock, Howard second, unanimously adopted Resolution No. 2002-210 awarding the contract for installation of streetlights on Streetlight Completion Project Phase III to the low bidder, Clayborn Contracting Group, Inc., of Auburn, CA, in the amount of \$662,259.

- E-21 "Adopt resolution providing financial support for San Joaquin County's Recycling Market Development Zone (\$1,533 per year)"

Council Member Land stated that based on the report this appears to be a request for a donation to the Stockton Chamber of Commerce to promote the Stockton area. He asked where Lodi has benefited from the Recycling Market Development Zone in the past.

Public Works Director Prima replied that he had been ensured an effort would be made to work with Lodi businesses. He suggested that the item be delayed until a presentation can be made at a future meeting.

MOTION / VOTE:

The City Council, on motion of Council Member Nakanishi, Land second, unanimously tabled the matter regarding the financial support for San Joaquin County's Recycling Market Development Zone.

- E-22 "Adopt resolution authorizing additional City participation in the cost of the Harney Lane Lift Station Project, and further appropriating funds for the project; and adopt resolution certifying the Negative Declaration as adequate environmental documentation for the Harney Lane Lift Station Project"

Mayor Pro Tempore Hitchcock noted that this request appears to be a departure from the City's standard development agreement.

Public Works Director Prima replied that sanitary sewer lift stations have been handled in a variety of ways in the past.

Wally Sandelin, City Engineer, reported that the lift station project was originally envisioned in the 1991 impact fee program. At that time the source of funding was not specified. It may have been anticipated through inter-fund borrowing that the City would have enough cash available to build it and that fees would be collected; that no longer appears to be the case. In 1996 the Council chose to modify the services for that lift station, and bring in the area generally south of Harney Lane. Those areas were apportioned a cost share of the lift station. Under current activity that is occurring, staff anticipates that Century Meadows 1 will be the first project. It would carry the burden for all of the properties north of Harney Lane. The properties south of Harney Lane have paid their share of the construction costs of the lift station. Staff is requesting that Council consider City participation in a proportionate share of the cost of the lift station for properties generally to the west of the Luckey Annexation on the premise that those are fractured parcels not likely to develop for 10 to 15 years. Normally the life of the reimbursement agreement that would be entered into with the developer that builds a major City facility is 15 years. Staff thought this would be one way to dilute the cost obligation imposed on one project when soon to follow would be Century Meadows 2, 3, the Luckey annexation, and the Lackyard and Nepote annexations. Staff determined there was rationale for the City to take on \$393,000 of the project understanding that the City in the past actions had already appropriated \$27,000 for design and \$120,000 for reimbursement for facilities already constructed by the Century Meadows 3 developer. Those were improvements not associated with the lift station improvements, but they had



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Accept improvements under contract for Streetlight Completion Project – Phase III and adopt resolution appropriating \$24,944.60 additional funds for the project (EUD)

MEETING DATE: August 6, 2003

SUBMITTED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council accept the improvements under the Streetlight Completion Project – Phase III contract, direct the Electric Utility Director to file a notice of completion with the County Recorder's Office and appropriate additional funds in the amount of \$24,944.60.

BACKGROUND INFORMATION: The contract was awarded to Clayborn Contracting Group, Inc. Auburn, CA on October 16, 2002, in the amount of \$662,259.00. The final contract price was \$687,203.60 resulting in an overrun of \$24,944.60 or 3.77%. The main reason for this overrun was the changing of bore path during construction to avoid existing facilities. Other changes were the addition of one concrete streetlight, two junction boxes and additional conductor, due to the change in bore path, coupled with an offsetting reduction in video inspections.

The contract has been completed in substantial conformance with the plans and specifications approved by the City Council. The project installed a total of 270 streetlights (94 steel and 176 concrete) on unlit streets in the area within Turner Road, School Street, Pine Street and Ham Lane.

The contract completion date was July 17, 2003, with the actual completion date being July 10, 2003. The contract completion date was extended by 20 days due to delays, not caused by the contractor. This extension in workdays did not change the contract price.

It is further recommended that the City Council appropriate additional funds, to fund the overrun, in the amount of \$24,944.60.

FUNDING: Business Unit #161672, Streetlight Completion Project (Phase III total \$687,203.60)
2001 - 03 Financial Plan and Budget, page E-34

Funding Approval: Vicky McAthie
Vicky McAthie, Finance Director

Alan N. Vallow
Alan N. Vallow
Electric Utility Director

PREPARED BY: Hans Hansen, Manager, Engineering and Operations

ANV/HH/ist
c: City Attorney
City Clerk
Public Works Director
Purchasing Officer

APPROVED: H. Dixon Flynn

H. Dixon Flynn - City Manager

CITY OF LODI
SPECIAL ALLOCATION REQUEST

ACCOUNTING MANAGER
FINANCE DIRECTOR

DATE: August 7, 2003

FROM: ELECTRIC UTILITY DEPARTMENT

PROJECT NUMBER: 161672

Request is made for funds to accomplish the following project, ~~which was not included in the current budget.~~

TITLE: Streetlight Completion Project, Phase III additional funding

| Description of Project | Estimated Costs |
|---|-----------------|
| Provide additional funding for the final contract amount for Streetlight Completion Project, Phase III. Final project cost \$687,203.60. Contract amount is \$662,259.00. Project accepted and additional funds appropriated by the City Council at the August 6, 2003 meeting. | \$24,944.60 |

Funding Source: Electric System Revenue Certificates of Participation.

Contract # 4603

Resolution # 03/140

Alan N. Vallow, Electric Utility Director

Scout 8/8/03

(If you need more space, use additional sheet and attach to this form)

| | |
|-------------------------------|--------------------------|
| Date of Approval: _____ | Amount Approved: _____ |
| COUNCIL _____ | CITY MANAGER _____ |
| FUND OR ACCOUNT TO BE CHARGED | |
| Current Budget _____ | Reprogram Funds _____ |
| Contingent Fund _____ | Fund Balance - G F _____ |
| Capital Outlay Reserve _____ | Offset by revenues _____ |
| CIP control account _____ | Other: (Specify) _____ |
| Utility Outlay Reserve _____ | _____ |
| | Account Number _____ |

Accounting Manager

Finance Director

Submit this form in duplicate to the Finance Director. Distribution after approval will be as follows:

1) Originating Department

2) Finance Department

RESOLUTION NO. 2003-140

A RESOLUTION OF THE LODI CITY COUNCIL ACCEPTING
IMPROVEMENTS UNDER THE CONTRACT FOR THE STREETLIGHT
COMPLETION PROJECT – PHASE III, AND AUTHORIZING AND
DIRECTING THE ELECTRIC UTILITY DIRECTOR TO FILE A NOTICE
OF COMPLETION WITH THE COUNTY RECORDER, AND FURTHER
APPROPRIATING ADDITIONAL FUNDS FOR THIS PROJECT

WHEREAS, the contract for the Streetlight Completion Project – Phase III was awarded to Clayborn Contracting Group, Inc., of Auburn, California, on October 16, 2002, in the amount of \$662,259.00; and

WHEREAS, the final contract price was \$687,203.60 resulting in an overrun of \$24,944.60 or 3.77%. The main reason for this overrun was the changing of bore path during construction to avoid existing facilities. Other changes were the addition of one concrete streetlight, two junction boxes, and additional conductor, due to the change in bore path, coupled with an offsetting reduction in video inspections; and

WHEREAS, the contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby accept the improvements under the Streetlight Completion Project – Phase III contract; and

BE IT FURTHER RESOLVED that the Electric Utility Director is hereby authorized and directed to file a Notice of Completion with the County Recorder's office; and

BE IT FURTHER RESOLVED that funds in the amount of \$24,944.60 be appropriated from the Business Unit #161672, Streetlight Completion Project (Phase III total \$687,203.60) and the 2001 - 03 Financial Plan and Budget, page E-34.

Dated: August 6, 2003

I hereby certify that Resolution No. 2003-140 was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 6, 2003, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Howard, Land, and
Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

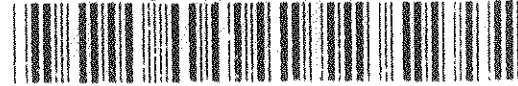
ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

When Recorded, Mail to:

City of Lodi, Electric Utility Department
Manager, Engineering and Operations
1331 S. Ham Lane
Lodi CA 95242-3995



NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

On August 6, 2003, the City Council of the City of Lodi accepted completion of the work of improvements known as:

STREETLIGHT COMPLETION PROJECT, PHASE III.

The work of improvement consisted of boring and installing 29,210 ft. of electrical conduit, installing 270 streetlight foundations, 94 steel standards, 176 concrete standards, 270 luminaires and 62,588 ft. of conductor and other incidental and related work as shown on the plans and specifications for the project.

The contractor is Clayborn Contracting Group, Inc. 10556 Combie Road, Auburn, CA 95602-8908

The surety is Great American Insurance Company, Monica A Wingate, Attorney-in-Fact, 1350 Treat Blvd., Suite 210, Walnut Creek, CA 94596

CITY OF LODI

By:

Hans Hansen

Manager, Engineering and Operations

That I am the Manager, Engineering and Operations in the Electric Utility Department of the City of Lodi, the municipal corporation that executed the foregoing notice as owner of the aforesaid interest or estate in the property therein described; that I make this verification on behalf of said municipal corporation; that I have read this notice and know the content thereof, and that the facts therein stated are true.

I declare under penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 7th day of August, 2003.

Hans Hansen

Manager, Engineering and Operations

III

Comp

- E-7 Accepted the improvements under the "Fire Station #3 Air Conditioning Replacement, 2141 South Ham Lane" contract.
- E-8 Accepted the improvements under the "Traffic Signal and Street Lighting for Harney Lane and Stockton Street" contract.
- E-9 Adopted Resolution No. 2003-140 accepting the improvements under the "Streetlight Completion Project – Phase III" contract and appropriating \$24,944.60 additional funds for the project.
- E-10 Adopted Resolution No. 2003-141 approving the final map and improvement agreement for Hutchins Place, Tract No. 3258, and directing the City Manager and City Clerk to execute the improvement agreement and map on behalf of the City.
- E-11 Approved improvement deferral agreement for 2113 Cochran Road and authorized the City Manager and City Clerk to execute the agreement on behalf of the City.
- E-12 Adopted Resolution No. 2003-142 authorizing the City Manager to execute a professional services agreement with Power Engineers, Inc., for engineering services for the Killelea Substation Reconstruction project and appropriated funds in the amount of \$295,000.
- E-13 Adopted Resolution No. 2003-143 authorizing the Community Development Director to submit a grant application in the amount of \$20,000 to the State Integrated Waste Management Board for the Waste Tire Public Education and Amnesty Day Event Program.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

G. PUBLIC HEARINGS

- G-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hitchcock called for the public hearing to consider Reimbursement Agreement RA-03-01 establishing an area of benefit and reimbursable costs for developer-funded public improvements for 770 North Guild Avenue and a resolution establishing an area of benefit and reimbursable costs for City-funded improvements for the project at 770 North Guild Avenue.

Wally Sandelin, City Engineer, reported that several years ago the City initiated an annexation of some industrial land to the City. Staff recommends that Council approve a reimbursement agreement to the Mondavi Corporation for facilities it constructed that serve other properties in its area. He explained that they were improvements that had to be constructed to bring standard public services to its project. Staff also recommends that Council approve an area of benefit for City-funded facilities. The City partnered with the Mondavi project to add extensions of City services including water, sewer, storm drainage, and road connection closures.

Hearing Opened to the Public

- Ed Atwood stated that part of the property involved in the area of benefit belonged to his grandfather. It was his understanding that there would be no requirement by property owners to reimburse the City unless there was development on the property. He asked if a person had ten acres and developed five, whether they would then owe half of their total amount to the City.

Public Works Director Prima answered that it depends on the nature of the project, but in general, the amount would be prorated.

40

INSTALLMENT PURCHASE CONTRACT

by and between

CITY OF LODI

and

LODI PUBLIC IMPROVEMENT CORPORATION

Dated as of August 1, 1999

TABLE OF CONTENTS

| | Page |
|--|------|
| ARTICLE I DEFINITIONS..... | 1 |
| SECTION 1.01. Definitions..... | 1 |
| ARTICLE II ACQUISITION, CONSTRUCTION AND SALE OF PROJECTS | 22 |
| SECTION 2.01. Transfer of Substation Facilities | 22 |
| SECTION 2.02. Purchase of Substation Facilities and 1999 Projects by City..... | 23 |
| ARTICLE III PAYMENTS AND PREPAYMENTS | 23 |
| SECTION 3.01. Payments | 23 |
| SECTION 3.02. Prepayments..... | 24 |
| ARTICLE IV ELECTRIC SYSTEM REVENUES; FUNDS | 24 |
| SECTION 4.01. Pledge of Net Revenues and Moneys in Electric Revenue Fund; Electric Revenue Fund..... | 24 |
| SECTION 4.02. Improvement Fund..... | 26 |
| SECTION 4.03. Investments | 26 |
| ARTICLE V CERTIFICATE INSURANCE POLICIES..... | 27 |
| ARTICLE VI PARITY OBLIGATIONS AND SUBORDINATE OBLIGATIONS | 28 |
| SECTION 6.01. Conditions for the Execution of Parity Obligations..... | 28 |
| SECTION 6.02. Subordinate Obligations..... | 29 |
| ARTICLE VII COVENANTS OF THE CITY | 29 |
| SECTION 7.01. Compliance with Contracts..... | 29 |
| → SECTION 7.02. Use of Proceeds..... ← | 29 |
| SECTION 7.03. Tax Covenants | 29 |
| SECTION 7.04. Against Encumbrances..... | 30 |
| SECTION 7.05. Sale or Other Disposition of Property..... | 30 |
| SECTION 7.06. Prompt Acquisition and Construction of the 1999 Projects..... | 30 |
| SECTION 7.07. Maintenance and Operation of the Electric System; Budgets | 30 |
| SECTION 7.08. Compliance with Contracts for Use of the Electric System | 31 |
| SECTION 7.09. Insurance | 31 |
| SECTION 7.10. Accounting Records; Financial Statements and Other Reports | 31 |
| SECTION 7.11. Protection of Security and Rights of the Corporation..... | 31 |
| SECTION 7.12. Payment of Taxes and Compliance with Governmental Regulations | 32 |

TABLE OF CONTENTS (continued)

| | Page |
|--|------|
| SECTION 7.13. Amount of Rates and Charges | 32 |
| SECTION 7.14. Collection of Rates and Charges | 32 |
| SECTION 7.15. Eminent Domain and Insurance Proceeds | 32 |
| SECTION 7.16. Further Assurances | 33 |
| SECTION 7.17. Continuing Disclosure | 33 |
| SECTION 7.18. Distribution of Net Revenues for Debt Service | 33 |
| ARTICLE VIII EVENTS OF DEFAULT AND REMEDIES | 33 |
| SECTION 8.01. Events of Default and Acceleration of Principal | 33 |
| SECTION 8.02. Application of Net Revenues upon Acceleration | 34 |
| SECTION 8.03. Other Remedies | 35 |
| SECTION 8.04. Non-Waiver | 35 |
| SECTION 8.05. Remedies Not Exclusive | 36 |
| ARTICLE IX DISCHARGE OF OBLIGATIONS | 36 |
| SECTION 9.01. Discharge of Obligations | 36 |
| ARTICLE X MISCELLANEOUS | 37 |
| SECTION 10.01. Liability of City Limited to Net Revenues | 37 |
| SECTION 10.02. Other Provisions Relating to Financial Guaranties | 37 |
| SECTION 10.03. Amendments | 37 |
| SECTION 10.04. Assignment of Contract | 37 |
| SECTION 10.05. Benefits of Contracts Limited to Parties | 37 |
| SECTION 10.06. Successor Is Deemed Included in all References to Predecessor | 38 |
| SECTION 10.07. Waiver of Personal Liability | 38 |
| SECTION 10.08. Article and Section Headings, Gender and References | 38 |
| SECTION 10.09. Partial Invalidity | 38 |
| SECTION 10.10. Net Contract | 38 |
| SECTION 10.11. California Law | 38 |
| SECTION 10.12. Indemnification | 39 |
| SECTION 10.13. Funds | 39 |
| SECTION 10.14. Notices | 39 |
| SECTION 10.15. Effective Date | 40 |
| SECTION 10.16. Execution in Counterpart | 40 |

TABLE OF CONTENTS
(continued)

| | Page |
|--|---------|
| SCHEDULE A SCHEDULE A PAYMENTS | S-A1 |
| SCHEDULE B SCHEDULE B PAYMENTS | S-B-1 |
| EXHIBIT 1 DESCRIPTION OF EXISTING FACILITIES | Exh-1-1 |
| EXHIBIT 2 DESCRIPTION OF 1999 PROJECTS | Exh-2-1 |
| EXHIBIT 3 DESCRIPTION OF SUBSTATION FACILITIES | Exh-3-1 |

(c) If required by the terms of such Parity Obligation, a separate reserve has been established for such Parity Obligation and that provision has been made to fund such reserve.

Notwithstanding the foregoing provisions, neither clause (a) nor clause (b) above shall limit the ability of the City to execute any Parity Obligations at any time to refund any Outstanding Payments and Outstanding Parity Obligations which results in a net present value savings to the City, inclusive of all costs of such refunding.

SECTION 6.02. Subordinate Obligations. The City may incur Subordinate Obligations without meeting any of the tests set forth in Section 6.01.

ARTICLE VII

COVENANTS OF THE CITY

SECTION 7.01. Compliance with Contracts. The City will punctually pay the Payments in strict conformity with the terms hereof, and will faithfully observe and perform all the agreements, conditions, covenants and terms contained herein required to be observed and performed by it, and will not terminate this Contract or fail to make any Payment required by this Contract for any cause including, without limiting the generality of the foregoing, any acts or circumstances that may constitute failure of consideration, destruction of or damage to the Projects or the Electric System, commercial frustration of purpose, any change in the tax or other laws of the United States of America or of the State or any political subdivision of either or any failure of the Corporation to observe or perform any agreement, condition, covenant or term contained in this Contract required to be observed and performed by it, whether express or implied, or any duty, liability or obligation arising out of or connected with this Contract or the insolvency, or deemed insolvency, or bankruptcy or liquidation of the Corporation or any force majeure, including acts of God, tempest, storm, earthquake, war, rebellion, riot, civil disorder, acts of public enemies, blockade or embargo, strikes, industrial disputes, lockouts, lack of transportation facilities, fire, explosion, or acts or regulations of governmental authorities.

SECTION 7.02. Use of Proceeds. The Corporation and the City agree that the proceeds of this Contract will be used by the City, as agent for the Corporation, to pay the Costs of the Existing Facilities and the 1999 Projects (including the reimbursement to the City of amounts advanced for such Costs).

SECTION 7.03. Tax Covenants. (a) The City hereby covenants it shall not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the portion of the Payments constituting interest under Section 103 of the Code. Without limiting the generality of the foregoing, the City shall comply with the requirements of the Tax Certificate, which is incorporated herein as if fully set forth herein.

(b) In the event that at any time the City is of the opinion that for purposes of this Section it is necessary or helpful to restrict or limit the yield on the investment of any moneys in any of the funds or accounts held by the Trustee pursuant to the Trust Agreement, the City shall

EXHIBIT 2

DESCRIPTION OF 1999 PROJECTS

→ The 1999 Projects include projects include line extensions, new west side substation, substructures, various subdivision expansions, dusk to dawn street lighting, and expenditures ← associated with transmission and distribution system capacity enhancements such as substation improvements, and various vehicle and support equipment purchases and the construction of a new electric service center, all as listed in the following pages of this Exhibit 2.

The 1999 Projects shall also include any capital additions to or replacement of the Electric System as to which the City has received an Opinion of Counsel to the effect that payment of the costs of such capital addition or replacement with moneys in the Improvement Fund will not, in and of itself, adversely affect the exchanges of the Interest Installments (or the portion of the Principal Installments of the Schedule B Payments in excess of the Initial Amount thereof) from gross income for federal income tax purposes.

Projects:

Industrial Sub. 12 kV feeder to Stockton at Neuharth
McLane Sub. 12kV feeder to Evergreen at Low. Sac.
Underground Tie, Rivergate – River Pointe Subdivisions
Distribution Substation, West Side including land, design, power transformer
Industrial Sub. 12kV feeder to Guild and Kettleman
Henning Sub. 12 kV feeder to Low. Sac. and Cochran
60 kV transmission line from Industrial Sub. to west side
12 kV underground feeder, Harney, Ham to Mills and Mills, Harney to Century
McLane Sub. extend 12 kV bus, add breaker and get-a-way
Industrial Sub. 12 kV feeder to Turner and Guild
Industrial Sub. Power transfer #2 incl. Circuit breakers, relays, etc.
Install Capacitor Banks
New developments (line extensions, services, substructures and metering)
Distribution System Improvements (historical)
Communication/data system, fiber optics
• Street lighting design
• D to D lighting
Substation capacity increases

Equipment/Facilities:

Service Center including land design, construction, equipment
SF6 Gas reclamation equipment
Relay test set
Training facility incl. vaults, poles
Power transformer LTC oil filtration equipment (2)
Power Quality analyzer
High current test set
Lock boxes for locked meter locations
Remote meter reading system
Voltage recording equipment
Engineering design/analysis software
Underground pulling equipment (substation)
Infrared imaging equipment
Overhead pulling equipment
Circuit breaker performance test set
Data line test set
Laser jet printer (Engineering)

Vehicles:

Bucket truck 65 ft.
Walk in van
Flat bed truck (new crew)
Bucket truck (street light maintenance)
Fork lift

Projects (replacement):

Reconstruct overhead add neutral to LeBec CT
Killelea Sub 12 kV open bus, control bldg. 60 kV bus, breakers, land, study
Killelea Sub 12 kV get-a-ways
McLane Sub 12 kV get-a-ways
Industrial Sub. infrared detection upgrade
Transformer upgrade, F&M Bank, Rite Aid
Reconstruction get-a-way/distribution at MSC facility
Downtown underground reconstruct incl. land, switches, transformers, cable
Padmount switch upgrade (8)
Reconstruct #6 cu. overhead (various locations)
Reconstruct sec. underground, Royal Crest, Tejon, Vineyard, English Oaks

Equipment/Facilities (replacement):

Work stations meter shop (2)
Personal computer upgrade (Engineering, Operations, Meter Shop)
Electric meter test bench
SCADA and UPS systems upgrade/replacement
Electric meter test set, portable
Copy Machine (Engineering)
Underground pulling equipment

Vehicles (replacement):

Mid size cargo van #09049
Bucket truck #09046
Flat bed truck #09050
Flat bed truck #09093
Digger/derrick truck #09001
Flat bed truck #09021
Flat bed truck #09087
Pickup #09014
Cargo van #09086
Service truck (bucket) #09027
Service truck (bucket) #09023
Digger/derrick truck #09009
Digger/derrick truck #09010
Service truck #09045
Sedan #09080
Digger/derrick truck #09011
Sedan #09005
Sedan #09020
Sedan #09037
Bucket truck #09002
Sedan #09060
Sedan #09007
Sedan #09008

EXHIBIT 3

DESCRIPTION OF SUBSTATION FACILITIES

The Substation Facilities shall consist of an industrial substation facility located at 1215 Thurman Street, Lodi, California, which consists of two 60kV transformers, two 60kV circuit breakers, seven kV circuit breakers, and miscellaneous cabling, bus, control equipment and protective relaying associated with such transformers.

Exh-3-1

B-1



MEMORANDUM
Office of the Lodi City Clerk

TO: City Manager Flynn
CC: City Council
Interim City Attorney
FROM: Susan J. Blackston, City Clerk
DATE: May 9, 2004
SUBJECT: TRANSCRIPT – CITY COUNCIL MEETING – 05/05/04

Pursuant to your request attached is a transcript of the discussion which occurred at the May 5, 2004 City Council meeting related to Item:

- I-2 Approve plans and specifications and authorize advertisement for bids for installation of streetlights on Phase IV of the Streetlight Completion Project and authorize the transfer of funds for the project (\$980,000) (EUD)*

TRANSCRIPT – CITY COUNCIL MEETING – MAY 5, 2004

ITEM:

- I-2 Approve plans and specifications and authorize advertisement for bids for installation of streetlights on Phase IV of the Streetlight Completion Project and authorize the transfer of funds for the project (\$980,000) (EUD)

VALLOW – I have Mr. Simler with me, John Simler, this evening who is our street light pro and this is pretty much what he does 14 hours a day. We're only paying him for 8, but we make him work 14. He has a presentation for us.

SIMLER – Thank you Mr. Vallow. I have some overheads to show you folks, Mr. Mayor, Council Members. The subject tonight is phase four of the streetlight project, streetlight completion. We know that uniform street lighting is important to the City of Lodi for its improvement, its growth. The transportation, the various modes of transportation, certainly depends on decent street lighting as well as the pedestrians and the awareness of the pedestrian in place. So what we have shown here tonight is the areas that phase four would encompass and so in looking at that you can see that we have east of Mills Avenue and south of Holly. Here we have, yes, okay, we have James, Loma, Howard, and that area. We also show here on the map, we show an area that is being retrofitted based on some faulty streetlight foundations and standards. Those are concrete. I might make a note here that there are 109 steel standards projected for this particular portion of the project and 60 will be installed on east side streets. There are 158 concrete standards and about 89 of those will be installed on east side streets. So there is an east side street improvement. You can note the various streets that are involved there. Washington, we have also Garfield and Central and some areas down below Kettleman there, Elgin and Valley are incorporated in that. The value of streetlights, I'm sure all of you know enhance police, fire and ambulance services that the city is a critical service to the city. A side benefit is resident security and reducing the potential for crime. Many of the residents have called us that are on these unlit streets requesting when they might see streetlights. So it's really a value to the city of Lodi for the money expended. Effective street lighting benefits all residents, visitors, and is an asset to community development. I know Mr. Bartlam is interested in that issue as well. So we'd like to recommend that the Council approve the plans and specs for this particular phase of street lighting on unlit streets. So I'd entertain any questions.

HANSEN – Well I really appreciate the points that you brought up. I'm sure the Council remembers, or at least most of them remember, that the first approach to this was the alleyways on the east side that were very dark and there were some serious crime issues that were occurring there and you know there's been debate but I believe in my heart that lighting a street definitely does have an impact. It's a pretty simple conclusion to reach if you were someone who was going to commit a crime, would you rather do it on a very dark street as opposed to a very well lit street in terms of avoiding possible detection. It's just, I think, a great program for the city of Lodi and I personally really appreciate the

effort and look forward to the day when those who chose to have lights on their streets, have them, and have the benefit of having that street lit up.

HITCHCOCK – I too am glad to see this happen. Mr. Vallow recently showed us a new light down by the railroad tracks and how it elevated a number of problems down there. My question and actually the reason I had pulled this from the consent calendar had to do with the funding source because in the past when we decided to fund this program it was out of electric utility revenue, there wasn't an increase in rates, there was sufficient money for that, and now I see its from the electric system revenue certificates of participation and I wasn't aware that was part of our COP program. My understanding was that was to build the new electric utility building. Am I getting something confused Mr. Vallow?

VALLOW – We pretty much, um, all capital projects since August of 1999 and then actually, including about 14 months prior to that where we were reimbursed for capital projects, have been paid for out of the COPs and it was anticipated that those funds would extend for about 7 years. It turns out because of interest earnings and the way we've been spending them that they are lasting about 8 to 9 years, but so far all of the street lighting that we've done has come out of the COPs. As of, I mean, as a capital expense and the bond documents are written in such a way that any, um, it's virtually any electrical expense with the approval of the Council that does not render the bonds taxable are a legitimate expense, but it does require Council approval.

HITCHCOCK – I do not recall that we were borrowing money for this program and COPs and when I went back and looked at all the previous approvals none of them had COPs on them. They all said budget plan, but none of them had COP on it, all of the council communications that I went through on the different lighting projects.

VALLOW – We're getting a ruling from Ruby. I'm unaware of any capital expense that we've had since 1999 that was not reimbursed through the COPs. It absolutely was our intent. All the draws, we do draw down schedules you know for the trustee, you know for the people holding what was called the guaranteed investment contract and I mean that's part of our cash flow, the street lighting program, I know that's, I mean, if it wasn't I'd like to go back and be reimbursed back in my operating budget but I'm fairly confident I've not seen that as an operating expense.

FLYNN – Yeah, Ruby just confirmed that they've all, it's all been paid out of the COPs in the past. Maybe it was just different in the staff presentation tonight where it's pointed it out that the COP was the funding source.

VALLOW – But I will look at those, cause I'm, I'm familiar, that's...

HITCHCOCK – That's very, if you go back and look at any of the Council communications none of them indicate COP, it's electric utility operating revenue and you know budget plan, I mean, none of them say COP, that's why I picked up on this.

VALLOW – Okay, I will check on that because I know we've been in front of the council I believe on, ah, well this will be the 5th occasion even though this is only phase 4.

FLYNN – If it's true what would you like us to do?

HITCHCOCK – Well I'd certainly like to have a report back that we're doing something different now than what we did before and if this isn't part of what the, COPs can be only expended for something that is specifically stated at the outset and if we're spending our COPs for something different...my understanding were those COPs were for ...

FLYNN – We'll get the language

HITCHCOCK – transmission lines...

FLYNN – Get the language from the COP because it does provide for it and we...

VALLOW – Yeah, I can but ..., yeah it does, it's...

FLYNN – We can get a ruling from bond counsel for you. It will cost us a little bit money, but we can get that for you.

HITCHCOCK – I'd like to see maybe, I didn't save my document Mr. Vallow, but maybe you have a copy you could share with me to go through.

VALLOW – We do.

HITCHCOCK – Because my understanding was it was for transmission lines and construction of the new facility.

VALLOW – We actually, we had a um, a list and it like any good bond counsel will do, you know, the following items including but not limited to, and ah, it's a, it's one of my favorite legal terms of art.

HITCHCOCK – Except I remember our discussion when we took, when we decided to do these, because what we did is we changed our entire policy here which was to say that instead of the landowner, the homeowner paying for this we were going to be paying for it out operating revenue from the electric utility and there was sufficient funds to do that. I would not have been in favor of going out and borrowing money for this project.

VALLOW – As it turned out, and I apologize that I don't have the same recollection, the um, what I do recall is that, what, who, Alan Nakanishi at the time when he was on the Council picked up infrastructure as a key part of, you know, what he was all about on the Council and was pushing on, pushing the streetlights and we had some pretty good press coverage from that, but it's certainly, has always been my intent that this was part of the, you know, the capital program because it's certainly, is a capital cost. The budget that

we established earlier about \$3.5 to 4.5 million is still the one that we reference, but I will do full research into that and I will get back to you in the next few days.

HANSEN – Mr. Vallow when we dealt with the issue with the citizens who lived in the area that doesn't have sidewalks or streetlights and they did not want them, my recollection is I thought this started as a public benefits, funds from public benefits, and I remember that some of the citizens were saying, you know, we recognize we're turning down a public benefit but we still do not want that.

VALLOW – Yeah, and how they refer to that is a ...

HANSEN – I mean is this semantics or?

VALLOW – In that case yes, semantics, because where we have used public benefit funding before would be upgrades of lighting and we've done that with park and recs where the city has actually gotten a public benefits grant taking old style lighting and putting in, like, the new Musco style lighting and we have used partial funding, let's say 25%, but the rest capital funds on those as well, so um, but I'm, you know, Mr. Lechner has done actually a...

HANSEN – Well then let....

VALLOW – actually a lot of, he's done a lot of the, um, and can maybe confirm...

HANSEN – We're not going to resolve this tonight. I would just ask that you research it and we'll put it back on the calendar for two weeks from tonight.

HITCHCOCK – That's what I was going to suggest Mayor Hansen if we could maybe continue this. I had mentioned to Miss Keeter when I talked to her two weeks ago when this was on the agenda what my concern was that it was coming out of COPs versus operating revenue. I'm just concerned that we don't nickel and dime that borrowing away which is supposed to go for the new facility over there and transmission lines. And if we're not using it for that purpose then it shouldn't be utilized.

VALLOW – Right, and as you recall we, um, we did do a refinancing about two years ago and we actually did get back a little over \$6 million to you know "defease" those just by, we went through the schedule in the budget of what we were gonna, what we expected we'd be spending in the next 5 years and we thought the \$6 million made sense to lower that debt threshold by that much so, but we will do a full research on that.

HANSEN – Okay so we'll continue this to till the second Council meeting in May.

HITCHCOCK – So moved.

BECKMAN – Second.

VOTE: Motion carried 5-0.